Interview with Laurence H. Silberman

The Association for Diplomatic Studies and Training Foreign Affairs Oral History Project

LAURENCE H. SILBERMAN

Interviewed by: Charles Stuart Kennedy

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Q: Today is September 23, 1998. This is an interview with Laurence H. Silberman, Judge. We're doing this on behalf of the Association for Diplomatic Studies and Training, and I am Charles Stuart Kennedy. Judge, could we start...could you tell me when and where you were born and a bit about your family?

SILBERMAN: I was born October 12, 1935, in York, Pennsylvania. I left there after only nine months because my older brother of five was killed in an automobile accident and my parents, I think, wished to get away from York, and we moved to Philadelphia. What would you like to know about my family?

Q: I would like to know what your father was doing, and your mother's interests, and maybe where you grew up in Philadelphia.

SILBERMAN: No, actually I lived in Philadelphia for, I think, four years, and then we moved to southern New Jersey, just south of Atlantic City, to Ventnor. I think after kindergarten, in 1940, and I grew up in Ventnor, New Jersey, until I went away to boarding school in 1951.

Q: What was your father's occupation?

SILBERMAN: My father was basically a ne'er do well, who was “retired.” He was a spoiled son of a very wealthy and successful grandfather. My mother and father divorced when I was nine years old. So, my father dabbled in a number of things, but I don't think anything very seriously.

Q: What about your mother?

SILBERMAN: My mother was a rather hard-driving and competent person who, after my mother and father divorced, went into the real estate business, did quite well, until she married my stepfather.

Q: What was growing up in Ventnor like? I mean, Ventnor, to me, of course, means something on the Monopoly board, which for those who are not familiar with it is a game. But, what was being a young lad in Ventnor like?

SILBERMAN: Well, one thing I can recall is that when World War Two broke out, I was made a block captain with the responsibility for keeping children quiet (I think I was five or six.) while their parents slept after war work. It's clear to me in hindsight that I was selected because I was the noisiest child.

It's hard to begin to tell you what it was like growing up in Ventnor, New Jersey. It is a small town suburb of Atlantic City; very flat, with many of the homes owned by people who came down for the summer, in those days from New York, Philadelphia, or Washington, but I'd say the majority were owned by people who lived there, who often fell into the category of people who retired and some who had occupations in the surrounding area, particularly in Atlantic City. It was a town of about six or seven thousand people.

Q: Well, before you went away to boarding school, what about the...were there any teachers, or any subjects that particularly interested you? What did you do to keep yourself busy?

SILBERMAN: Well, I think...when I think back to my childhood I loved athletics, in particular, baseball; football, and basketball, as well. But most of all baseball. And as far as school was concerned, I wasn't a distinguished student, but I always read the history books given in every class, in the first week or two. The entire book. Almost as if it were a novel. And I did a lot of reading on my own, concerning history.

Q: Did you get into the Henty books, and some of the sort of adventure history books?

SILBERMAN: I remember particularly...I don't remember Henty, but I do remember one series that I've been trying to find for my grandsons, written by a fellow by the name of Joseph Altsheler.

Q: Yes, Indians...

SILBERMAN: No, Civil war.

Q: Civil war, but also I think he did something on Indians, if I recall...

SILBERMAN: Perhaps he did. He had a whole series which dealt with every battle of the Civil War, each one was a separate novel in which the characters were young men in either the Confederate or the Union Army. I also remember from my very earliest reading days, reading early books about World War Two, a series with Dave Dawson and Freddy Farmer. Dave Dawson was an American and I think Freddy Farmer, a Brit, and they were pilots in WWII. So, I must have been six or seven years old when I was reading those kind of books.

Q: Well, they're a wonderful series. I know most of those. Well, then you went away to boarding school, how old were you then?

SILBERMAN: I believe I was 15.

Q: Where did you go to boarding school?

SILBERMAN: A school that I think is now defunct. Croyden Hall Academy in Redbank, New Jersey. I was an indifferent student in high school, and my mother after having me tested decided she should send me off to boarding school. My father had gone to Mercersburg Academy and she wanted me to go to Lawrenceville, and Lawrenceville accepted me only under the condition that I would drop back a year. I was rather young...but I stubbornly refused and so I went off to this somewhat marginal prep school that someone had recommended to us and where I stayed for my junior and senior years.

Q: How did this act on your academic interests and all?

SILBERMAN: Well, I did well there. I think I finished first both years, but it was a small school. It wasn't that challenging. They had sent one boy the year or two before I arrived to Dartmouth, which I think was the first student they had sent to a good Ivy League school. The trustees wanted me to go to Princeton, I think in part because they wanted to spread their reputation, but I didn't want to stay that close to home, so I applied to Dartmouth and I went there.

Q: You graduated from Croydon Hall when?

SILBERMAN: 1953. I graduated in May or June of the year that the Korean War ended.

Q: You were quite young at the time, but were you caught up in World War II other than trying to keep the people quiet?

SILBERMAN: Oh, yes. World War II is by far and away the single most important event of my life, even though I was only six when it started and not yet ten when it ended. It dominated my thinking- (end of tape)

Q: We were talking about World War II.

SILBERMAN: Yes, I was telling you that I have had reason to think and for some time realize that is to say, that World War II had such an enormous impact on me. Actually, one of my earliest memories precedes World War Two, at least our entry into it, and it involves an uncle of mine while we still lived in Philadelphia. He explained to me on the floor of his living room, with maps before him, the progress of the Russo-Finnish War of 1939 and I remember at that time having enormous admiration for the plucky Finns. I was only four then, I think. I do recall distinctly Pearl Harbor. I remember it almost as if it were yesterday. All the men in Ventnor, right after the war started, were assigned a rifle or some kind of gun, in Ventnor City Hall, because there was a, now it seems an almost incredible, concern, that the Germans would invade on the South Jersey beaches. Of course, if the Germans had the capacity to invade the United States, that would have been the logical place to invade. But, the notion of course was absurd. However, after Pearl Harbor there was a good deal of irrational fear and as I said each man had a rifle or some gun assigned to him at Ventnor City Hall, in case of an emergency, and one woman, my mother, who was a crack shot and a great athlete and insisted that she have a gun, too.

Q: I am a little older than you and I was an aircraft spotter waiting for the Luftwaffe to attack Annapolis, which somehow they never got around to doing.

SILBERMAN: No, of course not. I do remember some events of World War II. I remember vividly that in the summer of 1942 you could not swim on the beaches in Ventnor because there was so much oil from sunk tankers and occasionally unpleasant flotsam floated in, perhaps even bodies. One of my dear friends had a cousin, as I recall, killed when his ship was torpedoed only a mile or so offshore- I recall that my friends and I used to sneak on the top of [the] roof on my house and look out at the horizon with binoculars. You weren't allowed to have binoculars and I think it was almost illegal to look at the horizon, perhaps flatly illegal to look at the horizon with binoculars, but we would sneak up there and look and I can recall vividly that you would see a solid line of ships on the horizon. Different distances but looking at it with binoculars it would appear as if there was a solid line of

ships. There were so many ships forming up their convoys. Sometime in '43, I actually saw Navy planes attack a German submarine, that somehow had surfaced perhaps because of an engine malfunction, not too far offshore. So, I actually saw elements of the war, small bits, of course, but I followed very carefully every battle in the Pacific and Europe, both in the movie news and I think I was even reading the papers.

Q: This was a great geography lesson, particularly for young boys at that era. You certainly learned a lot of names and places. You said this had an impact on you later on. Is this a feeling of international responsibility, how would you say it's affected you?

SILBERMAN: First of all, my uncles and cousins - not my father, who was a little old - were in the war, so I detected concern in my relatives. My grandfather had 2 grandsons flying on B-17s out of England and now that I am a grandfather I have a sense of how terrifying that must have been. One of them was shot down and captured. So, emotionally that has an enormous impact on a young boy. And of course since I loved history anyway, it did probably do a lot to kindle my views or my interest in international affairs and my concern for the United States' role in international affairs.

Q: Where were you in 1950 when the Korean War started?

SILBERMAN: Let's see. I entered prep school at the age of 15 for my junior year and graduated when I was 17. It actually would have been just before I was 15, and I was 15 in 1951.

Q: The Korean war, did that have a similar effect, or was that something far away?

SILBERMAN: I somehow don't think of the Korean War as having quite a seminal impact on me. I think in that respect I was similar to most Americans. World War II was a Manichean struggle. Not that I wasn't, as far as I can recall my views, sympathetic to the Administration's fighting of the war and was rather disappointed in the inconclusive outcome, balanced, of course, with the natural feeling that I avoided going to war.

I remember thinking when I had turned 17, in October of my last year in prep school, I remember thinking a lot about the fact that I could drop out of prep school and volunteer for the army or the marines and feeling a little guilty that I didn't do so - but not so guilty that I was going to drop out of prep school. I knew I had to finish in order to go on to college. But I had a twinge of guilt. By the time I did graduate, the war was over.

Q: You say you picked Dartmouth. Was there anybody pushing you towards Dartmouth, or was this on your own?

SILBERMAN: Well, actually, it's sort of an interesting billiard shot. My grandfather had a particularly high regard for Harvard Law School, my grandfather.I don't know why he had such a high regard for Harvard Law School, but he did. So I think very early on, I wanted to go to Harvard Law School. And there were reasons why I came to like the idea very much, too. So therefore, I did not want to go to Harvard College, and I wanted to go somewhere where there'd be a contrast to the law school. Dartmouth and Princeton seemed to be the most logical, and as I told you, I didn't want to go to Princeton because it was too close to home.

Q: Well, I was thinking of Dartmouth as being off in the middle of the hills somewhere, and to go there you really have to like hiking and canoeing. Did that play any part in your-

SILBERMAN: No, I don't think that necessarily follows at all, actually. I mean, I did love the country, northern New England, but Dartmouth probably had a very strong masculine image then, and to a certain extent still now, more of a problem with coeducation than some of the other schools.

Q: Well, you were at Harvard from what, would it be '53 to '57?

SILBERMAN: That was Dartmouth.

Q: I mean Dartmouth, '53 to '57. What was Dartmouth like when you got there?

SILBERMAN: I'm not sure I know how to answer that question.

Q: I mean it was all male, wasn't it?

SILBERMAN: Yes, of course, and a very rigorously male atmosphere, which, to tell the truth, I liked.

Q: What about the course you were taking there?

SILBERMAN: I majored in history, not surprisingly, and I also took courses in government. I was particularly influenced by two professors there. One was an expert on biography and a political scientist by the name of Arthur Wilson. And the second was a history professor by the name of John Adams. It turns out, and I only found this out recently, John Adams was a Serb. Adams was an Americanization of Adamovic, and John Adams taught modern history as well as history of the Balkans. I think I took both, and he inculcated in me a fascination with the Balkans, and particularly the Serbs. He once said, and I have never forgotten it, the Serbs were the greatest people in Europe because they could reduce the most complicated social, economic, and political questions into a simple formula: nine grams in the back of the neck.

Q: Adamovic - there's something coming. There was a historian or a political figure or something.

SILBERMAN: I think he changed his name a long time before. In fact, we didn't even know then that his name had been changed from Adamovic or that he was originally of Serbian origin. I was not totally surprised, however, because he was so fascinating and fascinated with the Balkans and the Serbs. But he was not by any means a blind Serbophile. At any event, he obviously had a profound influence on me and generated a fascination for the Balkans.

Q: What about reading at Dartmouth? Did you expand your reading, or was it more history, or-

SILBERMAN: Well, I think I read widely. How much beyond the assigned courses I read I don't recall, but I did read widely in history and political science or government affairs (I always hated the term political science.). The only thing that I did not study or read about, which I subsequently regretted, was economics. I had to teach myself economics after I graduated from law school.

Q: Was law sort of uppermost in your mind as-SILBERMAN: I never had any doubt that I was going to be a lawyer. From the earliest age that I can recall thinking about my occupation, it was to be a lawyer. It could well have come from my grandfather, which is a little strange, in a way. My grandfather was one of the founders of a very successful corporation that became a national monopoly in scrap iron and steel in the '20s and '30s called Luria Brothers, which is now part of Ogden Corporation and has largely disappeared as a separate company. But in the '40s and '50s, it was a target of the FTC for monopolization of the business of brokerage of scrap iron and steel in the United States. All of his brothers-in-law, who were partners of his, and his sons became businessmen and went into the corporate business, with the exception of my father, who, as I said, was something of a playboy. But none of them went to graduate school, beyond college. Indeed, it was discouraged. One cousin wanted to be a doctor. He graduated from Yale, but they wouldn't let him. Everybody was encouraged to go into business. On the other hand, my grandfather may well have encouraged his daughters to marry very smart young lawyers who weren't very affluent and gave them big dowries. So my grandfather had a very healthy respect for a legal education and for lawyers, and he subsequently helped to turn over the business to one of my uncles who was a lawyer. So, my grandfather may well have, early on, introduced the notion of being a lawyer to me, but I think I always saw myself as a lawyer, even as a small child.

Q: Well, at Dartmouth were there any equivalent of sort of pre-law courses?

SILBERMAN: Well, pre-law is. . . . not really. Nowhere is there such a thing as a pre-law course. When I got to Harvard law school, the majority of students there had been either history majors, government majors, or economic majors; but there were many who had been science majors or math majors as well.

Q: At Dartmouth one always thinks of the winter carnival and the song "Dartmouth's in town again. Run, girls, run." I mean, was it a pretty active social life there?

SILBERMAN: Well, I have to confess, I have a blot on my escutcheon because I was suspended from Dartmouth my sophomore year for a semester, the second semester of my sophomore year, allegedly for spending the night in a dormitory at what was then an all-girl school (We said "girls" in those days.), Skidmore College.

Q: Oh, yes, in Saratoga Springs.

SILBERMAN: That is correct. I was charged with conduct unbecoming a Dartmouth gentleman. I recently gave a talk about that to a group of lawyers in Washington in which I was describing the events at Yale. You may recall that five young men, orthodox Jews, were suing Yale, trying to get out of the obligation of living in a coed dormitory because they regarded it as contrary to their moral and religious tenets. And I realized that there was this paradox that some, was it, 40 years ago, I was thrown out of college for doing that which they were being thrown out of college for not doing. So I should have defended on the grounds that I was 40 years ahead of my time.

But at any event, that had a double whammy impact on me of enormous significance, the first of which is I had to go to Harvard College for two summers because it was the only place I could go and get full credit for courses. That is to say, if I got an A in a course at Harvard, it would count as an A at Dartmouth, but the only college or university that they would do that for was Harvard. So I had to go to Harvard Summer School for two summers

if I was going to try to graduate in my class, which I did. In the first summer, I met my wife, at a Harvard dance.

Q: Skidmore seems to be pretty far afield from Dartmouth.

SILBERMAN: No, actually, Dartmouth was sort of equidistant between Skidmore, Smith, and Wellesley. And so I tended to go to all those places on weekends. My wife, as it happened, was a Smithie.

Q: My wife, too. I went to Williams.

SILBERMAN: Oh, so you know the country well.

Q: Oh, I know the country, and the era, too. At Dartmouth, did politics intrude? I'm just thinking about either international or national. We're talking about the Eisenhower period there, and did you get involved or did that intrude in what you were doing?

SILBERMAN: Intrude? Not at all. I did get involved. As a matter of fact, one of my ex-clerks just recently told me he saw a yearbook of mine in college, and he was rather amused to see that I was a member of the Republican Club, the International Relations Club, and the Pre-Law Club, which tends to follow, or presage, my career. I remember [the] dramatic events of 1956 when the Soviets invaded Hungary almost at the same time that Israel, France, and Britain were invading Egypt.

Q: This was around October of '56.

SILBERMAN: Fall of '56, which means it was my senior year. And I remember being just absolutely consumed with the events, trying to follow everything at once, walking over to my fraternity house, anxious to talk about it with somebody, and being frustrated that my friends were playing bridge and not particularly interested.

Q: This is, of course, the plight of a Foreign Service officer year in and year out, when you come back and find absolute lack of interest. Did you find there were any sort of debates about Eisenhower, or not, or did McCarthyism come in?

SILBERMAN: Yes, both did. Actually, I went to Europe between the time I graduated from prep school in June of 1953 and the time I entered Dartmouth that fall on a studentship, and I traveled around Europe on my own. And I can recall a rather bitter altercation, actually a fight, at Hyde Park and Marble Arch in the summer of '53-

Q: You're talking about London.

SILBERMAN: London, yes, I'm sorry. A fight developed between a fierce anti-McCarthyite and a fierce... There was a fight between one Eastern European #migr#, who was fiercely anti-communists, and one, I think, Brit, Englishman, who was anti-McCarthy, and it coincided with - you may recall, or at least, 1953, when I was there - the Berlin uprising had taken place. And so you had these-

Q: East Berlin.

SILBERMAN: Yes, and you had this juxtaposition of one fierce anti-communist and one fierce anti-McCarthyite, and it ended up in a fist-fight that, as I recall, involved a lot of people there. I was a strong anti-communist, but I also had nothing but contempt and disdain for McCarthy and regarded then, as I do now, McCarthy as being one of the great allies of communism because he often discredited the anti-communist cause and even gave rise to an intellectual phenomenon of the anti-anti-communist, which was great trouble for the United States. Not ultimately, but at least it was a running sore, which gave rise to such stupidity as the convergence theories.

Q: What is the convergence theory?

SILBERMAN: Oh, you recall that, don't you? It was very popular in intellectual circles from the '50's through the '80's, that the United States and the Soviet Union were evolving along courses that would ultimately meet somewhere in the middle, and it was a view that was very popular in academia and in large segments of the Democratic Party, which wished to move in a more redistributive socialist direction in the United States. I think it was a view that was probably reflected by the present deputy secretary of state during his years as a writer for Time Magazine.

Q: I'm trying to capture the spirit of the times because while I do these things-

SILBERMAN: I do recall at Dartmouth in the summer of '53, Eisenhower came and spoke, in June, actually, at commencement, just before I arrived in that fall. And it was that famous speech, the anti-McCarthy speech in which he said, “Please, don't join the book-burners.”

Q: Yes.

SILBERMAN: It took Eisenhower a long time, I thought a little too long, to oppose McCarthy, particularly since McCarthy attacked his mentor, George Marshall.

Q: When he was Secretary of State.

SILBERMAN: But maybe Eisenhower was right to maneuver as he did, to isolate and discredit McCarthy somewhat behind the scenes. In any event, it was a dramatic moment. Now Dartmouth - you're asking about politics - Dartmouth was then and probably still is today the most Republican-leaning of the Ivy League schools. It was also the most egalitarian school. That is to say, it was very hard to tell whether someone was a graduate of Exeter or a public high school in a big city. There was more homogeneity than there is today, of course, but there was a greater sense of equality than was true of Harvard, Yale, Princeton, or Williams, for that matter, in that the prep school graduates did not tend to congregate together. And there wasn't as much effort to distinguish the preppies

from the non-preppies, as was true at other schools. So I always thought of it as not paradoxical at all but it was the most conservative of the Ivy League schools and also the most egalitarian.

Q: A phenomenon became up unto the present time but was there developing there you might say the campus Marxist, or not?

SILBERMAN: Sure, there were some, but less so than was true at other Ivy League schools. Indeed, I seem to recall that in 1956 the Daily Dartmouth was the only one of the Ivy League newspapers that supported Eisenhower over Stevenson, but after all a few years before that Buckley had written God and Man at Yale, and it was perfectly clear when I entered Dartmouth that the faculty tended strongly towards the Democratic Party and was somewhat hostile to the Republican Party and the conservative views - nowhere near as bad as it is today, but the trend had already started.

Q: I know, even when I was at Williams - this was '46 to '50 - the faculty, I think, was more liberal than the student body. In my group of veterans - I was not, but I think that the rather conservative student body and rather liberal faculty.

SILBERMAN: That was certainly true of Dartmouth then, although, again, no where near as dramatic a gulf as exists today. I know more about that because my son, daughter, and daughter-in-law all went to Dartmouth. But that had begun to develop, and there was a rich contrast with Dartmouth or Yale or Williams back in the '20s, when the faculty tended to be much more conservative.

Q: What about the - was it the International Relations Club I guess it was called - IRC, was that it? Was there much sort of movement there?

SILBERMAN: I don't recall. I joined it because I was interested in it, but I don't remember much about the meetings. I was interested in international affairs.

Q: Well, then, you graduated from Dartmouth in 1957, and Harvard was the place to go, as far as you were concerned, Harvard Law?

SILBERMAN: Yes, one of my professors, who I mentioned earlier, Arthur Wilson, strongly urged me to go instead to Yale Law School. The non-lawyer faculty members always preferred Yale because it was less law-drenched than Harvard; it was more law-and-other-things - sociology, economics, whatever. And after I was accepted to both, I thought long and hard about it, but I guess - my wife says - there was never any question that I'd end up at Harvard Law School. It was a very special place for me.

Q: Well, it's interesting to look at the relationship because both Yale and Harvard have been producing lawyers for some eons practically, and at your time, when you went in '57, did you see a different type of lawyer? Was this the perception - a different type of lawyer was coming out of Yale than was coming out of Harvard?

SILBERMAN: Well, first of all, let me correct you. I didn't enter Law School in '57. It was not until 1958. I had one year in the army - actually six months active duty. The Reserve Forces Act of 1955 had provided an opportunity to enlist for six months and then serve five and a half years in reserve, so you didn't have to face a two-year draft possibility, and I hated the idea of having a draft hanging over my head. I preferred to enlist. I tried to get into navy, air force, or marine ROTC at Dartmouth, but they wouldn't take me because of my eyes, and I remember looking at the army and thinking, Well, the hell with it. And so I went in as an enlisted man in '57.

Q: Where did you serve?

SILBERMAN: At Fort Dix, New Jersey, for basic training, and then they sent me to a clerk-typist school, which was a disaster since I had broken all my fingers playing baseball. And I graduated from a class, I think it was 160th, having achieved eight words per minute! The old typewriters were hard. Anyway, then the next year, the next fall, I entered Harvard Law

School. Now the choice between Harvard and Yale was an interesting one in those days. I just finished teaching a course at Harvard Law School last spring, the 40th anniversary of the year I entered. The contrast between the two schools was quite dramatic and vivid. Harvard prided itself on being the school for lawyers who wanted to practice law, whereas Yale almost offered itself up as a school for people who wanted a law degree but weren't actually sure whether they wanted to be lawyers or philosophers or businessmen or whatever. Secondly, Harvard very much cherished the tradition of Oliver Wendell Holmes and Felix Frankfurter, a tradition in which the law had a certain inherent integrity as an intellectual discipline and also stood for notions of judicial restraint, as opposed to judicial policy making. Yale, having pioneered the critical legal study . . . no, not the critical legal study. That's a modern version. God, I can't remember what it used to be called in those days. Oh, “legal realism” in the '20s and '30s. It was more cynical about law, which fit, I suppose, its tradition of being the school of law and - whatever. So for a whole host of reasons, after having visited both places and attended classes in both places, I found Harvard much more fitting my framework.

Q: So you were at Harvard Law then, this would be '58 to '61. I've seen the movie and read the book The Paper Chase. Was that Harvard in your time, too?

SILBERMAN: It's hyperbole. It's grossly exaggerated. But it was certainly true that at Harvard Law School students were put through intellectual basic training, and professors were quite rigorous and could be tough in the use of the Socratic method. You were expected to be able to stand on your feet in response to a somewhat withering line of questioning.

Q: How did you find you responded initially to this? Were you ready for it?

SILBERMAN: I loved Harvard Law School. I thought it was the most intellectually exciting academic experience I have ever had.

Q: As you moved on, did you concentrate in any particular field of law, or did one keep pretty general?

SILBERMAN: No, in those days your first two years' courses were pretty much required. There was a little bit of selection in the second year and much more in the third year. I tended to stay away from anything that focused on numbers. I told you about avoiding economics at Dartmouth. One of the reasons I wanted to go to Dartmouth rather than Princeton was that Princeton required math in your first year, and I was terrified of math courses. I had a very bad experience in grade school, and so even by law school I was still trying to avoid anything with math. As I said, I taught myself economics after I got out of law school, and at one point, actually as an executive vice-president of a bank, had the economics department reporting to me, so I've come to love economics and realize that you don't have to know how to count in order to understand economics.

But still in law school I was trying to avoid anything with numbers, so I tried to stay away from the corporate finance and tax area, and I was drawn to both anti-trust and labor, partly because both anti-trust and labor reminded me, interestingly enough, of international affairs. In labor relations you had this model, this contrast of political power on the part of the trade unions versus the employers which reminded me very much of my interest in international relations, and to a certain extent that was true in anti-trust as well, where you had a struggle in the marketplace between the major competitors against sometimes less well-endowed competitors.

Q: Well, did you find yourself, as you were dealing particularly in the labor and anti-trust field, your own political philosophy? Was this coming out, would you say?

SILBERMAN: Well, actually, I'd always been... First of all, I came from a uniformly Republican family. My grandfather, who had the greatest influence on me growing up, as you've already detected, despised Franklin Roosevelt.

Q: “That man in the White House”?

SILBERMAN: Yes, I don't recall he used that particular phrase, but you may recall I've described earlier that the FTC had proceeded against my grandfather's corporation, which did not endear Roosevelt to him. But beyond that they were solid Republicans. My grandfather had given money, however, to Roosevelt in 1932 because Roosevelt ran to the right of Hoover, and he felt betrayed, so he really despised Roosevelt, and I wasn't allowed to mention his name. Actually, I came to have great admiration for Roosevelt, certainly his foreign policy, as I got older. But anyway, I came from a solid Republican family, so in the era I tended to look at... I was drawn into labor law, interestingly enough, partly for quasi political reasons. And when I left... Well, I'm getting ahead of myself.

Derek Bok was a young professor of mine. He taught me both labor and anti-trust and had a great influence on me. He arranged for me to clerk for a federal judge right after my third year, a judge in Newark, a federal district judge, who was a famous ex-labor lawyer. Then I was going to come down to a law firm in Washington the following year. Unfortunately for me, the judge died in May. At the end of my last year in law school I had two children and I was thunderstruck as to what I was going to do to feed my family for a year. My parents had supported me through law school, but it was certainly time for me to earn my own money. But Derek arranged at the last moment for me to go to Hawaii to practice law, at least for a while, at a Hawaii law firm that was full of Harvard people, I did that, stayed there, became a partner, loved Hawaii, and came back seven years later.

Q: Still on the Harvard side, how would you characterize the people at Harvard at the law school in your period?

SILBERMAN: The people - my classmates?

Q: Yes.

SILBERMAN: My classmates were an extraordinary group of men, for the most part - there were only a few women. Again, I thought them the most interesting people I had ever encountered. I think I was a bit frustrated with Dartmouth because of something of an anti-intellectual atmosphere. On the other hand, I was put off by the exaggerated pseudo-intellectualism of certain schools. Harvard College had something of that atmosphere. Well, Harvard Law School, however, seemed to attract people with a blend that I appreciated - first class minds many of whom were socially adept.

Q: Did politics intrude there at all, or were you a world apart?

SILBERMAN: Were we conscious of politics? Of course we were. Lawyers tend to have political blood running in their veins. I sometimes thought that every single member of my class's secret ambition was to be made President of the United States somehow miraculously. I recall that there was a poll taken in 1960 of students and faculty at both the law school and the business school with respect to the Presidential election coming up, and keep in mind that Jack Kennedy was a Harvardian with enormous charm and a charm that was particularly understandable to us Ivy Leaguers. Nixon was personally off-putting to Harvardians. Yet the poll revealed that 40 per cent of the student body at the law school was for Nixon and 60 per cent for Kennedy, and the faculty was roughly the same proportion. If you were to take the present Harvard Law School, move them back into 1960, do the same poll, the students would be something like 80-20 for Kennedy, and the faculty would be - if you found anybody who would be for Nixon, it would be a surprise.

I recall I was a member of the Republican Club at the law school, and I remember Barry Goldwater coming up and speaking to us and having lunch with us, and I came away with the view - that he expressed, interestingly, enough - that he didn't think he was smart enough to be President of the United States. And I thought he was probably right, and that's before I realized that character was more important than brains.

Q: When you were dealing with-

SILBERMAN: When you said, “Did politics intrude,” did you mean were there spirited kinds of arguments between students?

Q: Yes.

SILBERMAN: No, not really. I never recall any divisive conversations about politics at law school. We did occasionally have some arguments - there were a number of southerners - about the right approach to integration. And I remember being involved, I was a member of a club there called the Lincoln's Inn, a social club, and I can remember being enlisted in a bit of a struggle to get our southern friends and classmates to agree to allow us to take in a black who was the son of, I think, as I recall, a Nigerian foreign minister. Now, any southerner who was at the Harvard Law School was almost per se a liberal on racial relations, or he wouldn't have been there, but many of them were interested in a political career, and they were afraid of the downside of being in a club with a black. One of the ways I was able to convince a number of them to withdraw any opposition was to explain that by the time they ran for office it would be an advantage.

Q: It's really hard to recreate that time in the American time. I mean, it was right on the cusp of a massive change.

SILBERMAN: You're absolutely right. In 1960, when the judge died and I ended up going to Hawaii, I remember distinctly talking with my wife about the advantages of getting out of the continental United States and going to a multi-racial society where our children could grow up with more of an awareness of what was thought to be, today called, “diversity.” We distinctly regarded it as an advantage to get out, to go to Hawaii when the South was coming apart. It seemed like the country was coming apart over racial relations.

Q: Did you find, coming from a Republican background, the law as regards both labor and anti-trust - both of which have strong political reverberations - did you find yourself

sort of coming at that from a political point of view, or were you able to see this as a legal problem?

SILBERMAN: Well, of course I could see it as a legal problem, but I think the fact that I was interested in labor law was not unrelated to my political viewpoints. Generally, people were drawn into labor law, a least in those days, because they were either very sympathetic or somewhat unsympathetic to trade unions. My stepfather had been president of a hotel association in Atlantic City, and I recall vividly a strike which had elements of violence in it, a strike that he faced, as the president of the association, as one of the hotel owners, and I'm sure that had an impact on me. I was not sympathetic to trade unions at that point. Interestingly enough, after practicing in the area for eight years and having gone to the Labor Department, I became much more sympathetic to trade unions, but it's probably true that I was drawn into that area for several reasons. Number one, I told you, it reminded me of the confluence of power, of my interest in international affairs. Secondly, it had a strong political element. And third, it didn't require me, in those days, to get into numerical questions such as corporate finance, because it had more of a political model than an economic model, and I was more interested in politics than economics in those days.

Anti-trust I was less interested in than labor, but I was still interested. It had a blend of political and economic in it. In modern times, anti-trust has been thought of as not a political model at all because, as you may or may not know, legal scholars have determined, and the Supreme Court has ultimately accepted the notion, that the anti-trust laws should be interpreted only in economic terms, not in political terms, and therefore notions such as “big corporations have too much political power as opposed to little corporations” have no longer been accepted as a legitimate part of the anti-trust laws.

Q: But this was very much part of the New Deal tendency, which is still spilling over into the period when you were there.

SILBERMAN: True, true, you're right. In my day, anti-trust had both a political and an economic element. I didn't have the same instinctive allegiance with the large company versus small as I did on the labor field with management rather than unions.

Q: You know, something that just occurred to me that we haven't talked about there, and this is a foreign affairs thing, international law. I mean was this even a course?

SILBERMAN: Ah, very good question. I was most interested in taking a course in international law. That was a blend of the two areas that I was most interested in, exactly. I remember going to Professor Katz, who was one of the major figures of the Marshall Plan, and asking him about international law, and he advised me to take a course in international transactions, which was basically a commercial law course that taught you that if you were doing business in a foreign country you needed to get a foreign lawyer. He advised me against taking any courses in public international law, explaining that it was a field that was not of major significance as either law or international affairs. And of course that's still true.

Q: I know as a retired Foreign Service officer most of my contemporaries, colleagues, from other countries have taken a lot of international law, and I've searched my time and found that really international law doesn't play that much of a thing in diplomacy. If you have to know about it, you hire somebody to help you. At least that's my prejudice.

SILBERMAN: It plays a virtually insignificant role in international affairs, although Americans, interestingly enough, have always tended to put more influence on law than foreigners even though the foreigners study it. For instance, we end up with secretaries of state who are lawyers and who tend to think in terms of international law much more than its inherent importance suggests or really justifies. Even - I won't get into present politics - I reached the conclusion after talking to Professor Katz that it would be a waste of time to study international law. And I was rather surprised because I thought that would be interesting.

Q: It catches the time and you might say the practical approach to Americans.

SILBERMAN: Of course, you know, as an ex-Foreign Service officer, L, the legal affairs section of the State Department, is an area with very little real influence. In fact, I can tell you that amongst the departments of government, that department where the general counsel is the least important in the State Department.

Q: To me, L has always been the place where you refer something if you want to delay it. Otherwise, you try to keep it away from L.

SILBERMAN: Exactly. Well, Professor Katz explained basically that point to me back in 1959, and so I did not take a course in public international law.

Q: And then you went to Hawaii, and you were there from '61 to-

SILBERMAN: - to '67, the fall of '67.

Q: And talking about a new state, I mean-

SILBERMAN: It just became a state in '59. It was very exciting.

Q: Well, just to touch on this, but what firm were you with, and what were you doing?

SILBERMAN: Well, I originally went out as an associate, and then I became a partner in only a few years. And the firm was originally Moore, Torkildson, Rice; then it was Moore, Silberman, Schultz. And I practiced almost entirely labor law for management, although I did some other ancillary litigation work. Labor law included a good deal of litigation itself. In the summer of '67, the bar convention was held in Honolulu, and the deputy general counsel of the NLRB, the National Labor Relations Board, came to my house for dinner and they put the notion in my mind that I might spend some time working for them arguing appellate cases in the courts of appeal. I had argued several against them and won, and I felt a sense of a gap in my background because I hadn't spent any time in government, as

so many of my classmates had, and it seemed that it might be a good idea to go to work as a neutral for the National Labor Relations Board and argue cases. So we moved back here to Washington. I don't think I intended to do it for more than a year or two, but I was there for a little more than a year when Nixon won the election, and then all of a sudden I became a much more valuable commodity than I could ever have imagined because I was a Republican labor lawyer who had been a partner in a management firm and had spent a little more than a year as a neutral taking a neutral rinse. So to my surprise - I was interested in going into the administration - I was selected for the solicitor of the Labor Department, which was a much higher position than I would have ever dreamed of getting only a few months before.

Q: I just wanted to touch a bit on labor law in Hawaii. My impression of Hawaii is that particularly because it's a place that lives and dies on exports-imports and the longshoremen and all that that labor is a very important element in the society, as opposed to, say, Kansas or something like that.

SILBERMAN: You are very shrewd. You're quite right. Hawaii was, when I arrived there in 1961, one of the most organized states in the Union and rather unique-Q: You say “organized,” you mean union organized.

SILBERMAN: Yes. That's the term they used - one of the most organized states meaning union organized. And unique in some respects in that the agriculture, pineapple and sugar, were organized by the ILWU as well as longshore, and they were fighting with the Teamsters, the Hotel Workers-Teamsters, for representation in the growing hotel business. The ILWU in those days - maybe it's still true today - in those days had a strong leftist influence. Also, however, they were rather clean, straight, as opposed to the ILA in the East, that had a strong anti-communist orientation but it was also corrupt. But in any event, Hawaii was a fascinating place to practice labor law because labor relations were so important to the state and there was such a dramatic confrontation.

Q: Well, did you find that seeing these things such as dealing with the longshoremen and the teamsters... By the way, where were the longshoremen in the political spectrum in those days?

SILBERMAN: Very far left.

Q: I mean, I was thinking, what's the name?

SILBERMAN: Harry Bridges?

Q: Harry Bridges and all that.

SILBERMAN: Jack Hall. They had been tried under the Smith Act. Ultimately the convictions were overturned, the Smith Act being the... You remember the Smith Act.

Q: Yes, the anti-communist... Well, I mean, did you find yourself on one side or the other, or were you just doing labor law?

SILBERMAN: One side or the other of what?

Q: Of sort of the political spectrum of the unions versus-

SILBERMAN: Always versus. Not surprisingly, I was involved in Republican Party politics. I worked somewhat in Senator Fong's campaign. Hiram Fong was a Republican senator from Hawaii. However, one of my senior partners, who had been the ex-governor of the state, Bill Quinn, who came into the firm when he left the governorship and they changed the name to Quinn, Moore for a while; then it became Moore, Silberman and Schultz. Bill was chairman of the Rockefeller campaign in 1964, and he made me vice-chairman (or some title) of the campaign, and I of course was enthusiastic about Rockefeller in no small part because of the Dartmouth connection. Rockefeller was a little bit to the left of where I was, but I was nevertheless infuriated when at the Cow Palace in 1964 he was treated so shabbily by the Goldwater forces, and I ended up signing an ad for Lyndon Johnson,

the only Democrat I ever voted for, and for signing the ad I was thrown out of the Young Republicans after the election.

Q: What about Asia and all that? Did Asia play much of a role?

SILBERMAN: Of course, when I went there, the Vietnam War... Well, the Vietnam War really started occupying our consciousness in '64, '65, '66. By the end of '67 and early '68, when I left, it had achieved a dominant role in American politics. I watched the war develop with a good deal of trepidation and concern. I was discharged from the army reserve in '63. The war really didn't start until '64 and '65, and by that time I was in my 30s and with three children.

Q: And still weren't a good typist.

SILBERMAN: No, actually, when I was in the army, I volunteered at one point to go into the paratroopers, but they wouldn't let me go in because I was only in for six months - anything to get out of that typing. So I didn't think of it in personal terms, because the war really didn't start till after I was discharged from the army. But I watched it with a sinking feeling. I worried about it a great deal. I disliked the anti-war movement in the United States intensely, because I thought it was grounded on personal apprehension on the part of young males more than anything else-

Q: Amen.

SILBERMAN: -and I regarded the notion that the war was immoral as itself ridiculous. On the other hand, I did not ever think - I used to sit and look at that map - I didn't see how we could ever win that war unless we were prepared to invade North Vietnam. And so I worried a great deal about it, and I always had something of a doomed feeling about it because I knew our strategy was inherently flawed.

Q: Well, did you find in Republican circles in Hawaii that lines were being drawn about the war?

SILBERMAN: Not really. Actually, Hawaii was pro-war, Republican and Democrat. I mean, Hawaii, having been the target of an invasion, was much more hawkish than the rest of the country. I did once, however, with one of my partners, represent for the ACLU a young man accused of burning... He had burned an American flag at the Johnson rally, and we did get him off, having argued that his actions were protected by the first amendment. But I didn't by any means agree with what he did or generally agree with the ACLU. But the war was not a divisive issue by the time I left Hawaii. Everybody in Hawaii was pro-war. I did have a lot of worries that our policy was inherently a failure, that looking at the map there was simply no way one could stop the North Vietnamese from looping around and outflanking our efforts to defend South Vietnam unless we were prepared to invade the North Vietnamese, which it was increasingly apparent we were not.

Q: Well, then you came to Washington, where you were with the NLRB from '69 to '69.

SILBERMAN: From about November, '67, to February, '69. I think it was in February, '69, I was in the process of getting nominated as solicitor of Labor, and so I moved over as a consultant in the Labor Department while I went through the confirmation process.

Q: What was the NLRB, and what were you doing in those days?

SILBERMAN: I was an appellate lawyer.

Q: What does that mean?

SILBERMAN: I was arguing the NLRB's cases in circuit courts like this court.

Q: Were these sort of individual cases, or were there any sort of tides that were running through the labor relations time at that particular period?

SILBERMAN: I don't think there's anything worth... The National Labor Relations Board's position on labor issues tends to change with administrations, but there's a certain core that doesn't change, and it generally regulates the behavior of employers and unions in the workplace. I mean, when I say regulates, it limits their behavior in certain respects.

Q: Were you seeing any impact of the - this is the end of the Johnson period - of the Great Society and all that in labor law? Or had that changed much?

SILBERMAN: Well, I think this is going to divert you for a great... But actually, the labor board then was closer to a centrist board, although it was pro-union, than the present board, which tends to be more pro-union even than it was then.

Q: Well, then, you became what?

SILBERMAN: Solicitor of Labor.

Q: Solicitor of Labor. What does that mean?

SILBERMAN: The general counsel of the Labor Department.

Q: And you're saying that in this case, since I would imagine labor, just by its nature as labor and business, in a ways - sort of confrontational - that this would be a pretty active place.

SILBERMAN: Yes, we saw ourselves as having three constituencies: organized labor, management, and the civil rights groups, because there was a good deal of civil rights activities in the Labor Department as well. And they were conflicting, obviously, the constituencies.

Q: How comfortable were you with this? Did you find it-

SILBERMAN: Oh, I loved it. I loved it. But after a little more than a year at the NLRB, not only had I taken a neutral rinse ostensibly, but I had become more of a neutral, more dispassionate about labor-management affairs. In fact, that's one of the reasons I went to the NLRB in the first place.

Q: How did you find the balance between labor and management was at this particular time? Did you feel that it had reached a healthy situation, or how was it?

SILBERMAN: Yes, I think so. I didn't think it was problematic. Now as we know in hindsight, the trade unions' role in the American economy has diminished considerably in the last 30 years and is no longer anywhere near as important. And there are a lot of reasons for that, but that diverts from-

Q: Yes, and we don't want to get into that. And then - I'm just looking - then you became under secretary of Labor.

SILBERMAN: The next year.

Q: When the Nixon Administration came in in '69, particularly was there much of an impact on the Department of Labor in what you were doing?

SILBERMAN: No, I came in as part of the Nixon Administration. You're missing the point. I'm appointed as a political appointee by the Nixon Administration, actually in March of 1969.

Q: I see. The National Labor Relations Board, there you-

SILBERMAN: At the National Labor Relations Board I was, in effect, a civil servant, a government line lawyer. I was not a political appointee. I was picked out of there more for my experience in Hawaii, my background in Hawaii, to become the solicitor, or general counsel, of the Labor Department, which is equivalent to an assistant secretary.

Q: While you were doing that, were you part of... Was there much of a change on the Nixon Administration in the labor field?

SILBERMAN: Sure, sure. Republican administrations... The Republican Labor Departments under Eisenhower and Nixon tended to be centrist. Democratic Labor Departments tended to be pro-union, strongly pro-union. But under Eisenhower's Haggerty and Nixon's Shultz and Hodgson, the Labor Department was more centrist. Under Reagan, the Labor Department switched to a more hostile-to-unions position. And there are reasons for that. The building trades unions used to be much more identified with the Republican Party, back under the Eisenhower and Nixon era, than is true today.

Q: Well, now when you came in with the Nixon Administration, there were two, weren't there, Secretaries of Labor?

SILBERMAN: George Shultz was Secretary. George Shultz was the Secretary who, with the White House, recruited me to be solicitor of labor. Jim Hodgson succeeded Shultz the next year, when Shultz went to OMB.

Q: Could you talk about George Shultz, because I have to state my prejudice in doing these interviews - I never knew him personally - and my feelings reflected by many that he was probably the best Secretary of State we've had, certainly after the Acheson-Marshall period or something like that. But-

SILBERMAN: You think he was better than Kissinger?

Q: Yes.

SILBERMAN: That's interesting.

Q: But - I mean, all round. But-

SILBERMAN: He's a better man than Kissinger. I think Kissinger was a better Secretary of State. George was my mentor. I was his prot#g#. He recruited me in as solicitor of labor. Partly through his influence, I became number two the next year, under secretary, when Hodgson replaced him, although I was very close to Jim, too. George offered me the post of under secretary of Treasury when I left the Labor Department in '72 (actually, I was fired) and we were friends in San Francisco - and I acted as special envoy for him on the Middle East in 1984. I have enormous regard for him as a person. I don't think he had the strategic sense that Kissinger had. I don't have anywhere near as much regard for Henry as a person, but I think he was a brilliant strategist, playing sometimes a weak hand. I think George may have made a fundamental strategic error in the Middle East in putting the United States behind the peace treaty in Lebanon, you may recall, which could not possibly have been maintained given Syria's opposition. And therefore it caused us great humiliation, not to speak of a lot of casualties. I also thought he was... I tended to disagree with him about certain strategic matters dealing with the Soviet Union, but I do have an enormous regard for him as a human being, as a person.

Q: Well, I'd like to pick up just a bit about George Shultz because we are dealing with foreign affairs, how he operated when you saw him sort of early on in government and the Labor Department.

SILBERMAN: Well, one of the things about George is he was very thoughtful. He tended to believe very much in professionalism. That is to say, he had been a labor economist as his profession, his specialty, and he tended to think that professionals would give you the best answers to questions. On occasion I thought that he was overly relying on professionals and would overly rely on conventional wisdom, particularly if it was expressed by professionals, and that would be true in the Labor Department as well as in the State Department. But I would have to go through a whole series of matters of the Labor Department, which it seems to me-

Q: No-

SILBERMAN: But he's a man of great presence and was a wonderful leader and inspired a good deal of confidence and loyalty.

Q: You were under secretary of Labor 1970-73. Did Nixon get involved very much in what you were doing in the Labor Department?

SILBERMAN: Yes, he did get involved in emergency strikes dealing with the transportation industry, and he also got involved in the efforts to stabilize wage rates in the construction industry, which were perceived to be going out of sight, and ultimately in the cost of living initiative, which was wage-price stabilization, freeze, wage and price controls. So those were the areas in which he was most-

Q: You know, the Nixon White House staff and all became quite controversial not too much later. Did you have any dealings with them particularly?

SILBERMAN: Particularly with Ehrlichman's staff. Ehrlichman was working as counsel for the President, and then he was promoted to assistant to the President for domestic affairs. And with him and his deputy and assistants I dealt a great deal on Labor Department affairs.

Q: How well informed and... How did you find dealing with Ehrlichman?

SILBERMAN: Ehrlichman and staff, they were competent, well informed. And I also then dealt with OMB, particularly a fellow by the name of Paul O'Neill, who's subsequently become president of a major corporation. He was an assistant director of OMB.

Q: Well, from what I gather, you're saying that this was really quite a competent administration in dealing with matters which you had to deal with in labor.

SILBERMAN: Yes. Of course, I also dealt with George Shultz representing the White House, when he moved over as director of OMB, on labor matters. In fact, if there was any one single person who was dominant on labor policy subsequently it was George Shultz, both as Secretary of Labor and as director of OMB. But Ehrlichman's staff were also involved in the development of legislation, and OMB as well. And I dealt with, it seems to me, a range of very competent people.

Q: I take it also, and please correct me if I'm wrong, this is not a period of great confrontation between-

SILBERMAN: Between trade unions? Well, it's interesting enough, by 1972, the AFL-CIO remained neutral in the Nixon-McGovern fight, which was quite extraordinary for the AFL-CIO. And the building trades unions largely supported Nixon. And some of my efforts in 1972 were to get the building trades unions to support Nixon, which they did.

Q: Well, it's as you say, during the Goldwater-Johnson time there was also a reversal of the other side, where you found many people supporting Nixon who would not have normally supported him.

SILBERMAN: You're quite right.

Q: But McGovern was just beyond the bounds.

SILBERMAN: Yes, George Meany used to speak in scathing terms about McGovern. So by '71-72, relations with the trade unions were even warmer than they had been earlier. They were always reasonably good with the Labor Department, even from '69-70,71, but they got much warmer.

Q: I thought we might stop at this point. We've been two hours, I think that's about it, and then we'll pick it up. We'll really move into the foreign affairs field, but we'll move to the time next time when you were deputy attorney general, '74-75.

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Today is September 30, 1998. This is a major move, being a deputy attorney general. How did this come about?

SILBERMAN: Well, actually, I had been fired, not to put too fine a point upon it, as under secretary of Labor after the '72 election, or to put it accurately, my resignation was accepted. All of us were required to submit resignations. And as the Watergate matter developed, certain newspaper articles appeared which indicated that the circumstances under which I had left lent credit to me, so that when after the Saturday Night Massacre-

Q: Which is? Could you explain for the historian what the Saturday Night Massacre was?

SILBERMAN: Let's see if I can recall. It's October, 1973, when Elliott Richardson had been instructed by the President to discharge Archibald Cox as special prosecutor and resigned instead. His deputy, Bill Ruckelshaus, the deputy attorney general, was then instructed to do so, and he refused, and he was fired. And then Robert Bork, the then third-ranking official in the Justice Department, the solicitor general, became acting attorney general, and he discharged Cox. It all happened around midnight. After those events, Bill Saxbe, who was a Republican senator from Ohio, a former attorney general of the State of Ohio, came in as attorney general. He was easily confirmed as senator. And I, because of the publicity or the newspaper articles connecting me in a favorable way (at least from my point of view) to certain people in the White House in the events leading up to the election of 1972, was chosen as deputy attorney general, and I was confirmed.

Q: I mean, this is a very important point in history. What was your impression at the time about the turmoil that was coming about because of the Watergate crisis?

SILBERMAN: You know, I think that is such an extensive matter. Actually, I'm giving a speech in a couple of weeks up at the University of Minnesota Law School, a banquet speech, in which I describe some of the events. I can give you a copy of the speech.

Q: I was wondering whether I could have it on a diskette. Are they going to type it up on a-

SILBERMAN: Sure.

Q: At the time, you can append this, so... But it's just an interesting thing, and since it's a personal account, I think it would be very interesting.

SILBERMAN: I would be glad to give it to you.

Q: Great.

SILBERMAN: But it seems to me that if I were to spend the time on the events from February of 1974 or even October of '73, when the Saturday Night Massacre took place, to the time I come in as deputy attorney general, and then the last six months of Nixon and the first almost year of Ford, I'm talking about one of the more dramatic series of events of American history, and I would devote much more time than you want on that. Q: Well, as an amateur historian, I hate to see it go, but I'll buy that.

SILBERMAN: Where were you during the Watergate?

Q: I was in Greece during most of that time and having a hard time figuring out what it was about. And of course the Greeks-

SILBERMAN: Typical European-

Q: Yes, and because we weren't getting the full flavor. If you're not there, you're not getting the impact of what's happening and all, and the newspaper accounts, and-

SILBERMAN: Well, I entered that period, or by early '75 I was acting attorney general, because Saxbe had gone off to India , and I remained there until - in order to get Ed Levy confirmed. I wished to resign at that point for several reasons. Number one, I was exhausted, and number two, I couldn't afford to stay as deputy attorney general. I had a son at Exeter at that point. Ford asked me to come into the White House to run intelligence, but I declined, and eventually Kissinger offered me the post of ambassador to Germany, or suggested it, and my wife declined. She refused. He then suggested Yugoslavia, which for reasons that I have suggested I was always interested in, and I went off to Yugoslavia.

Q: Well, this is the result of John Adams at Dartmouth, then.

SILBERMAN: Right. Well, a couple of years before, as under secretary of Labor, I had traveled to Yugoslavia. I had gone to Italy and Yugoslavia. And I also, when I was there, was tasked with a minor diplomatic mission. You may recall that the Labor Department plays a role in the International Labor Organization, which as you may know is a strange organization. It was set up after the Treaty of Versailles, but it really is folded under the UN. And the ILO affairs are run through the United States Government by a consortium of State, Labor, and Commerce. And so as under secretary of Labor, I went to Italy and also to Yugoslavia, in part on ILO matters, and so I had had some exposure to modern Yugoslavia. But you're quite right, I had retained from my days at Dartmouth an intense interest in Yugoslavia in particular and the Balkans in general.

Q: You mentioned the ILO, and not to let this completely go, what was the feeling about the ILO during the time you were in the Department of Labor as an instrument of international American policy?

SILBERMAN: Well, do you know that I also played a role as special envoy vis-#-vis the ILO when I was ambassador to Yugoslavia?

Q: No, I don't, so we'll pick that up, but let's talk about from the labor perspective when you were there, how you and maybe your colleagues saw it.

SILBERMAN: Well, I will tell you a little vignette which you may find amusing. My first visit to the ILO in Geneva was as solicitor of labor. I went over heading a Labor Department delegation. And there were two Foreign Service officers who were assigned to me to advise me through this, and I went into a plenary session of the ILO. Stop for a minute. The deputy under secretary for international affairs in the Labor Department was the major figure in the United States Government for ILO matters, but of course, it had foreign policy implications and so Foreign Service officers were involved. And when I went over there as solicitor, I can't recall precisely why I was being asked to come, but obviously the under secretary for International Affairs had asked me to come as the senior Labor Department official. I guess I outranked him. For some reason, I was there. And this would have been in 1969, probably in the late fall, or it could have been in early '70. Now at that plenary session, the Cuban representative made a bloodcurdling speech attacking the United States, and I recall that it was my natural disposition to respond. And the Foreign Service officers had written a speech for me, and the speech, I thought, was rather namby-pamby and certainly didn't respond to this unexpected attack from the Cuban ambassador. And so I discarded the speech and instead said, and I recall it as if it were yesterday, “I do not wish to respond to the representative of the Government of Cuba because I regard his government as a temporary political phenomenon.” The place went wild. The Russians jumped up, asked for repeat translation through their earphones, and one of them picked up the earphones and threw them across the room. The Foreign Service officers were aghast. On the other hand, there were a number of persons in the room who were rather pleased, as I recall. Now the amusing thing about it in hindsight is I was right only in long historical sense, but the Cuban government outlasted the Russian government!

Q: Well, from the labor part-

SILBERMAN: Let me tell you about what the problem was in those days. There was a good deal of battling in the ILO on what might be referred to as ideological issues. The American trade union movement, particularly back in those days, with George Meany as the president and Lane Kirkland as the secretary-treasurer, were fierce anti-communists and wished to resist, with all the strength of the United States and as much as we could persuade our allies to do with their strengths as well, the efforts on the part of the Soviets to obliterate the fundamental idea of the ILO, which was free trade unions. The Soviets hated that notion, and of course wished to do all they could to reduce its importance. This was part and parcel of the same kind of fights that were taking place in the UN itself, but in the ILO it was particularly combustible because the American labor movement played such a major role. And that is why I got involved later as ambassador to Yugoslavia with a second hat as special envoy in the ILO, which led ultimately to our withdrawal from the ILO for a couple of years and then our return.

Q: Well, I'm not sure if I've got the name right, Jake Silverthorn? He was sort of the ideologue of the AFL-CIO.

SILBERMAN: No, that's not his name. I know who you mean, but I've forgotten his name now. There was a guy by the name of Irving Brown.

Q: Irving Brown in Paris.

SILBERMAN: Yes, but there was another guy - Lovestone.

Q: Yes, Lovestone.

SILBERMAN: But Lovestone and Irving Brown were not individuals who were policy-setting on their own. The key was that George Meany and Lane Kirkland and much of the leadership of the AFL-CIO, particularly in the building trades but other unions as well, including UAW, which was not part of the AFL-CIO at one point but was nevertheless

fiercely anti-communist even though left-wing, that many of those unions leaders regarded the fight against Communism as of seminal importance.

Q: Well, they'd fought the battle themselves.

SILBERMAN: They had fought it domestically. That is correct. Back in the '30's. But they also saw it in international terms, and as you will recall, the AFL-CIO was one of the major opponents of detente as practiced and sponsored by Kissinger and Nixon.

Q: Well, you were in Yugoslavia from '75 to '77.

SILBERMAN: Yes.

Q: Before going out to Yugoslavia, there's a usual procedure of sort of reading up on the place and all. How did you see our relations with Yugoslavia at that time? What were you getting both from the State Department but also, you might say, your own internal agenda?

SILBERMAN: Let me stop for a moment. You know, I've written at least two articles in foreign policy journals concerning my experience in Yugoslavia. Are you familiar with those?

Q: Yes.

SILBERMAN: One in Foreign Affairs, which is not so much on Yugoslavia but it was a good title. It was “Towards Presidential Control of the State Department,” which was quite controversial. And the other one, in Foreign Policy Magazine, which was entitled “Europe's Fiddler on the Roof,” referring to Yugoslavia. The “take” on Yugoslavia that came from the European Bureau, which I assimilated during my period of orientation, was of course that Yugoslavia was a major success in American foreign policy because it had broken with the Soviet Union, at least to a certain extent-

Q: You're talking about Tito.

SILBERMAN: Yes, Tito had broken with the Soviet Union in 1948, and our objective should as much as possible be to sustain the independence, territorial integrity, and sovereignty of Yugoslavia. That was almost a mantra, those three terms. It was also true that within the State Department and the CIA and the NSC, there was a keen awareness that if World War III was to break out, if there was to be a conflict between the Warsaw Pact, the Soviet Union, and the Western powers, it could easily come about because of a conflict in Yugoslavia, particularly in the event that Tito should die and there should be some kind of struggle for power in which the Soviets would seek to intervene. There was a general perception that the Soviets still licked their wounds about 1948 and would love to intervene in Yugoslavia, putting paid to the independence movement. So one of the reasons that I felt that I was interested in going there as ambassador was that I could see the stakes could be very great indeed, and it was fascinating in geostrategic terms, but it was also fascinating in ideological terms, because I wished to try to understand as much as possible about the Yugoslav self-management, “Third Way,” whatever you would like to call it, their experiment with a modified Communism. Of course, the Eurocommunism movement was very big at that time, too, so that made Yugoslavia important for those reasons. Generally, however, when I went off to Yugoslavia, I had spent a good deal of time talking with people in the European Bureau, the CIA, and NSC concerning their views on Yugoslavia, and I think I described the State Department's approach to Yugoslavia.

Q: What you're saying - I always, when I served in Yugoslavia earlier, the feeling was very much that Berlin was the number one place where all hell could break loose, and Yugoslavia, with the death of Tito and the possible dismemberment of Yugoslavia, was number two as far as how World War III might start.

SILBERMAN: That's correct. And by the time I went out, Berlin was no longer perceived as the place where it would start, because by that time a modus operandi had developed there, but Yugoslavia was always a potential flashpoint because essentially it could be

thought that neither the West nor the Soviet Union would be comfortable or accept a Yugoslavia moving precisely in one direction or the other.

Q: Did you have any problems getting confirmation?

SILBERMAN: No, not at all.

Q: Did you have a chance to get the feeling of Henry Kissinger at that time towards sort of East-West relations, particularly Yugoslavia?

SILBERMAN: Yes, some exposure before I went out, more through cable traffic and other meetings with Kissinger. But that goes into a broad range of issues. As you probably realize, after I came to Belgrade I gradually came to have a modified or somewhat different view than the standard European Bureau of the State Department view on Yugoslavia. And Kissinger, I think, was rather bemused at the differences and some of the sparks that flew between me on the one hand and Art Hartman and others in the European Bureau concerning my views on Yugoslavia. I came to have a different view. I thought the view of the European Bureau was as much as possible to accommodate and not pay much attention to the aggravations that Tito caused in international affairs, because at all costs we should support his independence. My own view, and this was during the d#nouement of the Vietnam War. My own view, after I went to Yugoslavia, was that Tito was beginning to lose a good deal of respect for the United States as a major power and thought the tide was running against us. He had been very tough in his own army to repress or get rid of any officers who he thought were sympathetic to the West. And I took him to be more concerned about Western influences than Soviet, in part not because he was afraid of the West in terms of Western power - he didn't like Western ideals, which he was afraid of - but he was not afraid of Western power, but he was increasingly afraid of Soviet power. Now that led me to believe that our policy was somewhat incorrectly formulated, in that we should be much tougher with Tito and much more unyielding and much more aggressive, because I thought he was a man who reacted to power above all else and his perception

of strength. And I thought that the more accommodating we were to Tito the more he was inclined to move towards the Soviet Union. So we had a fundamental difference of views.

Q: One of the things you were saying... Something I've gotten from some of my interviews was that at this time - it's hard to go back to the period, but there was a feeling of we had to leave abruptly from Vietnam. I mean this was quite a shock to the system, and there was a general feeling, I think reflected by Kissinger - at least this is what I get from others - that really the Soviet Union was moving ahead and was gaining strength and that we were weakening and that much of what Kissinger was doing was trying to curtail the success of the Soviet Union but essentially it was a rather pessimistic viewpoint. Did you pick that up?

SILBERMAN: I think that is quite correct. I think Kissinger perceived himself as fighting a defensive battle. I became convinced that that mindset was incorrect, and I vigorously opposed, for instance, the so-called Sonnenfeldt Doctrine. I had sent a cable strongly criticizing it. It was a set of views that Sonnenfeldt expressed at a meeting of European ambassadors in London with Kissinger.

Q: You mean American ambassadors who were-

SILBERMAN: That's right, American ambassadors to Europe met in London in the winter of 1975-76, where Sonnenfeldt first set forth his views concerning our policy towards Eastern Europe, which, in his view, could be described as one of seeking stability and perhaps accommodation. I thought that was fundamentally wrong. I thought the strategic aim, the most important strategic aim of American foreign policy, was the disestablishment of the Soviet Union through prudent means. And I said that specifically at a convention after I left the government in a debate with, amongst others, Bob Strauss, Phil Habib. As I recall, it was in Hawaii, and I think President Carter was there, but I can't be certain about that and I can't quite figure what the time was. I remember at the time making that argument and Phil Habib being appalled that anyone would state American policy in those terms, but I had that view increasingly as ambassador to Yugoslavia. I was opposed

to the psychological and ideological aspect of detente. Now it's a question of degree, of course, but I wished to lean forward and to be more aggressive in challenging the Soviet ideologically in every way that was prudent. And therefore I sent a cable flatly disagreeing with the Sonnenfeldt Doctrine, a cable which, incidentally, arrived in the State Department, as I found out later, with some trepidation because the Sonnenfeldt Doctrine - and I did not know this as ambassador to Yugoslavia - had leaked and become quite a bone of contention between Reagan challenging Ford for the Presidential nomination. So obviously, news of an American ambassador in disagreement with the Sonnenfeldt Doctrine would not have been welcome if it leaked. But my cable did not leak. I understand Larry Eagleburger as under secretary for management went through desperate efforts to avoid it leaking.

Q: Going back more to the specifics, you arrived in Yugoslavia. What was your impression... Let's talk about the embassy first and how it operated and how you saw it, and then we'll talk about relations with the Yugoslav Government.

SILBERMAN: At some point I must be perfectly candid with you. Either in my orientation process - I think it probably started in the orientation process - I began to get the sense that my nomination as ambassador to Yugoslavia was not exactly a welcome event for the professional Foreign Service, and I was rather shocked and surprised and thought, Well, you know, I'm pretty well-informed about Yugoslavia, and indeed on international affairs in general, more so than one would expect of the typical non-Foreign Service appointee; but I did not realize that for the Foreign Service officer, Eastern Europe was thought of as a preserve of the Foreign Service and that my nomination would be seen, as the first since Gronouski as ambassador to Poland under Kennedy, as a break in this tradition and quite offensive to the Foreign Service. Of course, I was blissfully ignorant of all of that. If I had gone to Germany, I would not have been so regarded.

Q: No-

SILBERMAN: It was more acceptable that political appointees went to Germany. I knew nothing of this.

Q: Well, Yugoslavia was really even more than anywhere else considered sort of a chasse gard#e, as the French would say it, and not only that, but it was pretty much a preserve of those who have served in Yugoslavia.

SILBERMAN: Precisely.

Q: Or had very close... I mean, there was a real Yugoslav mafia.

SILBERMAN: No, exactly correct, exactly correct. I knew nothing about this. I knew nothing about the... I did not ask to be appointed ambassador to Yugoslavia. It was offered to me by Kissinger and Scowcroft, both of whom had... Scowcroft had served in Yugoslavia. Eagleburger was enthusiastically in favor of it, and he had served there. It never even occurred to me that the Foreign Service would resist it, nor did it occur to me, frankly, that the career civil service - like the Foreign Service - would have anything to say about political appointees. You know, after all, I had been the chief operating officer, as under secretary of Labor and as deputy attorney general - two major departments of government. I'd never had any difficulty dealing with the career service, even though the Labor Department was largely composed of people whose politics were contrary to the Republicans; and that was true - not by any means as much - at Justice, but certainly true of many. I never had any difficulty dealing with career lawyers in the Justice Department or the FBI. I never had any difficulty dealing with careerists in the Labor Department, even though my views were often different. I never detected the kind of resistance to political control in either of those departments that I saw in the State Department. And that's what shocked me in the State Department, when it became apparent that the conduct of foreign affairs was not thought by most career officers to be the preserve of the political appointees. In that respect the State Department was absolutely different from any other department of government. And it took me a while to understand it, and

of course I wrote about it in my article in Foreign Affairs, “Towards Presidential Control of the State Department,” and understood it from a somewhat more sympathetic viewpoint as I thought about it in terms of incentives, economic incentives, and management and so forth, and the reason why this tradition developed. But I was an innocent when I arrived in the European Bureau. My wife began to detect that there was a certain resistance to our appointment, but I was not aware of it until I arrived in Belgrade.

Q: Well, I think, too, that as a retired Foreign Service officer but not really in the policy branch, I think Yugoslavia was particularly sensitive one to... You know, I mean, most of the other places, if a political appointee comes in, all they want to know is, is this a real buddy of the President who can pick up the phone and have clout or is this just a castoff of some senator who wants to take care of some friend who really has nothing? I mean, that's the major consideration, because they're very well trained in this. But when you get to Eastern Europe, I think you're moving into a different world.

SILBERMAN: No, that's true. Now even for anybody who wished to pay attention, it was perfectly obvious that I was rather close to President Ford as well as Kissinger. Kissinger had begged me to go into the White House to run intelligence, which I refused to do because he at that point distrusted Colby. I had been deeply involved in intelligence matters as deputy attorney general, so I was not a total neophyte about matters that related to foreign policy, nor was I without my political connections both in the White House and with Kissinger. So I was quite amazed. I couldn't figure out why, but as you well understand, the Foreign Service Gestalt was resistance to... And I thought the fact that I was not a wealthy contributor but was someone who had served in various senior government positions based presumably on whatever qualifications I had brought by myself would be perceived by the Foreign Service as a good thing. But I think, rather, that it was rather a bad thing, the fact that I did know something about foreign affairs, that I had had senior positions in the Executive Branch, and that I was well connected made me even less acceptable for Yugoslavia. That's what astonished me.

Q: How did your wife... Because you say-

SILBERMAN: I mean, actually, I was seriously considered at the point to be CIA director. In fact, that was possibly what would have occurred if I had gone into intelligence in the White House. I did not wish to do that for a whole host of reasons. But I was hardly someone that you... I was not your typical political contributor. So I was quite astonished at the reaction. It took me a while to even understand it. As I said, it wasn't until I got to Belgrade.

Q: Nobody sort of leveled with you.

SILBERMAN: Nobody explained it, until I got to Belgrade, and then it became quite apparent.

Q: Often our wives are really our antennae, and-

SILBERMAN: She sensed that she was being patronized by Foreign Service officers as we went through our orientation. I was a bit too dumb to realize it, and frankly it never even occurred to me it was possible, but she sensed it. When we arrived in Belgrade it was palpable. I don't know whether you realize this, but I ended up sending home the DCM.

Q: Yes, that was Dudley Miller, wasn't it?

SILBERMAN: Right.

Q: I knew Dudley. He was a political officer - I haven't seen him since, but he was a political officer. Could you talk about that relationship because I think it's an important one both from a historical and for people who are looking at this from, you know, management type views.

SILBERMAN: All right, I'd be glad to. Mack Toon had been the ambassador in Yugoslavia before I came. And I had known Mack. We had actually had dinner a couple of times in

Potomac, in fact, when I first came to Washington. I think he was head of policy planning at State. And we got into a rather fierce argument one night concerning the Soviet Union and Israel. I remember telling him that it was my perception that from the Israeli point of view the single most important strategic element or concept for them was to get the Soviet Jews into Israel, because that would enormously increase their population and therefore be an offset vis-#-vis the Arab world. And I'll never forget Mack Toon telling me that his experience vis-#-vis the Soviet Union and Israel, he thought I was wrong. The Israelis did not want the Russian Jews. And I remember thinking that night that he was rather pompous and clearly wrong. But I subsequently came to have a higher view about him, and he and my son actually worked together at the end of the Bush Administration in pursuing the question of what happened to the Americans who were captured during the Korean War.

Q: The Missing in Actions.

SILBERMAN: When my son was assistant secretary. But I remember once, I think I remember, Henry Kissinger asking my view about sending Mack Toon to Israel, and I thought that was a great idea. I think at the time that I was going to Yugoslavia I said it was a great idea because I thought he was rather unsympathetic to the Israelis and would be the exact instrument to carry out Kissinger's policy vis-#-vis Israel, which of course is where he went. I remember it at the time because Kissinger was talking about where I might go, and at some point he mentioned Israel. I had no particular desire to go there at that time. One of the reasons he thought it would be interesting to go to Germany was that I would be the first Jewish ambassador to Germany, which is incidentally one of the reasons my wife... My wife did not want to go to Germany because she couldn't stand the thought of having to visit concentration camps, which was the only thing she ever said no to in my marriage, with all the strange things I've done, and in many ways I regret not having gone there, because I had a very strong view in favor of the unification of Germany

because it was in American interest, which was unusual at the time. But in any event, that's neither here not there. I'm diverting.

When I arrived in Belgrade, the wives of the Foreign Service officers, particularly led by the DCM's wife, were palpably nasty to my wife. I remember them telling her that there were only certain times that she could play tennis on our tennis court. She had, of course, been part of my life through the Nixon administration and had actually served on a presidential commission for the education of disadvantaged children and had actually worked as a volunteer in the President's reelection campaign in '72. She was hardly na#ve, but in many ways she was innocent. She had never run into this kind of resistance or nastiness. And it was palpable. I mean, it was... And that, because it became apparent to me that this was the way in which the Foreign Service was reflecting their hostility to my appointment. In dealing with me, they were correct - obviously, scrupulously correct, but not a step more than correct, and Dudley Miller was I didn't think enormously helpful. And it was apparent to me after a month or so that Dudley and his wife were particularly the core of the resistance to my appointment, which I thought, you know, this is silly - why should I tolerate a DCM who was hostile to my appointment? So I simply called him in one day and said, “You're going home.” He said, “You can't do that.” I said, “The hell I can't. You'll be quite surprised. I'm sending off a cable to Kissinger telling him you're going back.” And I don't think that had ever been done.

Q: Oh-

SILBERMAN: Not by a political appointee. So I sent Dudley back, and things changed overnight.

Q: Well this is often the problem. The DCM-ambassador relationship is very important, and often a DCM who's familiar with a country falls foul of an ambassador because sometimes they've got too many connections. I mean they know the people and all that.

SILBERMAN: That was not it at all. I was very grateful that he would have developed. My impression of him, perfectly candidly, was that he was a gopher for Mack Toon. Mack was like a banyan tree under which not a lot grew. Mack was a very strong, tough ambassador, and I think Dudley was simply a gopher, not a true deputy. I don't think he had an enormous intellectual ability. But there were some very talented people in the embassy, ultimately. Mark Palmer came out as the political officer, and I thought he was wonderful.

Q: I'm interviewing Mark now.

SILBERMAN: Yes, and he was sent to me specifically by Eagleburger and Kissinger. He had been Kissinger's speech writer, so I knew he was absolutely first class. I wanted first-class people. When I sent Dudley back, I asked Larry Eagleburger to find somebody really good for DCM, and he found Harry Bergold, who ended up as ambassador somewhere, I can't recall. Unfortunately, he was on his way to being my DCM when Don Rumsfeld, one of my best friends, who was Secretary of Defense, swiped him as an assistant secretary of defense, so at that point - some months had gone by - I had brought a special assistant with me, a fellow by the name of Brandon Sweitzer. As a political appointee I was entitled to bring a special assistant. Brandon Sweitzer had been a White House Fellow, he spoke four languages, and he had been Pete Peterson's executive assistant, after his White House Fellowship days, Pete Peterson being Secretary of Commerce. I had encountered him both on the White House staff and working for Peterson, and I don't recall whether he approached me or I approached him when I was picked to be ambassador to Yugoslavia, but in any event, he wanted to go off as my special assistant. He was a very able and talented guy, and so after a few months of not being able to come up with somebody suitable for DCM, I said, Oh, the hell with it, I was going to make Brandon the DCM. Well, I thought the Foreign Service would have conniptions. You can't do that. So I ended up not having a DCM and made him de facto DCM, and the Yugoslav Government and, of course, all other embassies, had to treat him as DCM. I forget what I called him -

counselor? But he was the de facto DCM for the two years that I was there, and he did an excellent job.

Q: What was your impression of the political reporting? Was there a spin as far as you watched the people reporting from the embassy on Yugoslav affairs?

SILBERMAN: Well, you know, after a while it was my view that the reporting on Yugoslav affairs from the embassy was a matter to be controlled by the ambassador. That doesn't mean I wrote every cable - of course not - but I did approve and edit and very definitely felt that reporting was under my supervision. When Mark Palmer arrived, replacing the political appointee who was there - I can't recall who was there before him, but Mark Palmer was there and Marty McLean was there, and these were young men whose views about the Soviet Union detente, ideological questions, were similar to mine. Mark and I used to constantly argue over who was more of a revolutionary, his political views were on the left side of the political spectrum, I on the right side, but we had similar views about United States needing to confront the Soviet Union, and in similar ways. So we were very much in synch. It took me some time before my thinking gelled, but not all that long, a few months. And now with respect to the actual factual reporting, I don't recall my having much concern with the orientation of the officers. I was always anxious to get more and more information. I was pushing them all the time. One of the things I did do, which I'm sure you have views about, is that it occurred to me that much of our information came at dinner parties and that because of protocol the wives of officers would usually sit seated at dinner next to the official we were trying to pump, and that they would be a hell of a lot better at pumping them if they knew what they needed to get, what kind of information we were interested in. So I adopted a technique of bringing the wives of officers, particularly the political officers, into the tank once a week to brief them-

Q: We're talking about that horrible plastic bubble there.

SILBERMAN: Right. One of my younger officers complained at one point that his wife knew more about American foreign policy towards Yugoslavia than he did because she was at those weekly meetings. I also was responding to the increasing concern that the country had about our wives of Foreign Service officers. They couldn't really do anything in Yugoslavia, so how would they remain stimulated and interested. Many of them were well-educated women. And so I tried to double my staff by decree. But the economic reporting was generally quite competent. Charles York was in charge of economic affairs. The intelligence operations were well done. Dan Wages and Bert Gerber were my chiefs of station. I hope that's no longer classified. And both of them were excellent. Bert Gerber was really brilliant. He had come from Iran. My administrative officer, Sheldon Krys, subsequently became an ambassador.

Q: Oh, yes. I've had a long interview with Sheldon. He's first-rate.

SILBERMAN: Yes, I thought he was wonderful, and we had a particularly troublesome problem when Carl Albert came as the head of a CODEL to Yugoslavia.

Q: He was-

SILBERMAN: Speaker of the House.

Q: Oh, Speaker of the House, from Oklahoma.

SILBERMAN: Yes, and he was a terrible drunk, and when I found out he was leading the CODEL, at the invitation of the Yugoslavs, I was appalled, because I knew what a terrible drunk he was and what a cipher he was. I actually went to the Yugoslav Foreign Ministry at one point when we were talking about the CODEL, and I explained that he was a drunk and that there was to be no alcohol served while he was in Yugoslavia at any official occasion. Well, I forget, the foreign minister or somebody said, “How can you say that, Ambassador? He's the third-ranking official in the United States?” And I said, “Well, that's more for show.” Which was an incredible thing to say. But I was so anxious

at that point not to portray a sense of weakness or a reality of weakness to the Yugoslavs - and I knew Albert from my days in the Executive Branch - and I was hopeful that they would take from me, adopt the position that he was a convenient figure for officials in the Congress - which was true - and he was not to be taken seriously. No liquor was to be served. Well, the funny thing was, he would desperately try to get hold of liquor anyway. He was an alcoholic. And he was quite frustrated about my efforts to prevent it, and he got hold of Sheldon Krys, and he said, “I want a bottle of bourbon, and I know what the ambassador's doing, but he's a political appointee, and you're going to be around after he goes, and I will make sure you're in real trouble unless I get a bottle of bourbon.” Sheldon came to me, and I said, “Give him his bottle of bourbon. I can't protect you.”

Q: What was your reading? You've got there, you've gone through the sort of coming at it from your perspective on East-West relations, but one, you met Tito and then you were looking at his government. What was your impression when you got there, I mean after you'd had a chance to do a bit of absorbing of the situation?

SILBERMAN: Well, one of the things that was most interesting of all was how desperate the Yugoslavs were to not permit us to understand their micro-decision-making. You may recall that they made much of self-management in this Third Way. Now I thought it was important to try to understand how this system really worked - who was making the crucial decisions with respect to any particular enterprise? Was it the workers' council, which was doctrine or dogma? Was it the chief executive, selected often by the workers' council? Was it the Communist Party in the enterprise? Or was it the trade union? It could be, in any particular enterprise, any one of those four. Perhaps the most successful enterprises were run by executives that had some kind of constituency within those other three. But when I was trying hard to find out how things actually worked, the Yugoslavs regarded that as very threatening because, for one thing, they didn't know for sure how things worked, and Kardelj would set up this doctrine, and it may not have anything to do with

what actually was happening, so they found it very threatening that somebody was trying to understand exactly how they were making decision.

Q: Kardelj being sort of the ideologue, the guru of the Communist Party.

SILBERMAN: Right. And actually there was one speech that the head of their OPA, the minister of the interior, had made in which they specifically identified the very kinds of questions that I was asking as very dangerous probes by intelligence agents. There had been some discussion about my involvement with the CIA, so the Yugoslavs always felt that I had some shadowy connection with the CIA. Much of the dealings with Yugoslavia dealt with international affairs, that is to say, ILO, the UN kind of things, in which the Yugoslavs, as leaders of the Third World, the Nonaligned, were constantly giving us great grief. And there were some specific instances where Yugoslavs played a very mischievous role, one with respect... I'll never forget, which I got through intelligence leaks, that Tito had encouraged the North Koreans to create an incident on the line between North and South Korea, which you may recall eventuated with a couple of Americans being killed.

Q: I had just arrived - I was consul general in Seoul at the time - and that was a very difficult couple of days. That was known as “the tree-chopping incident,” which would have been in the summer of 1976.

SILBERMAN: Right. Tito, we found out through intelligence sources that Tito had actually encouraged the Koreans to do that. There was something coming up in a Nonaligned meeting, and they wanted a crisis of some sort. I regarded that as an indication of a very, shall we say, unfriendly act on the part of the Yugoslav Government. There were other things. So we would run into these kinds of conflicts, and I will get to the other one.

I was also, however, very interested in trying to sell to the Yugoslavs weapons that could be used in the event of a Soviet incursion. Perhaps the paradigm was the TOW.

Q: That's the Target on Wire-

SILBERMAN: - anti-tank weapon.

Q: Anti-tank weapon.

SILBERMAN: Right. Which, if they bought it, was obviously a signal that they - first of all, it would be helpful - but obviously a signal that their primary concern was the Soviet Union. I spent much of my time trying to understand the Yugoslav military - politically, what their political views were. The Yugoslavs were very resistant. The government was very resistant - the Party was very resistant - to allowing me or my officers to spend much time with the Yugoslav military; yet it was of enormous importance to the United States to try to figure out where their political allegiances were. There had been this purge a year before, I think, where pro-Western elements had been driven out. I was desperate to try to find out as much as I could. It was hard, damned hard. I remember one significant bit of information came to me through the wife of a Yugoslav admiral - I think his name was Mamilov - who was head of the navy. The wife said something of interest to my wife at a dinner party, or even outside, and I insisted that my wife go down and write a MemCon to put in a cable, and she - I remember at the time she resisted - said, “Well, that was confidential.” I said, “Honey, there's nothing confidential, and besides, don't you think that's more likely to be communications from Admiral Mamilov to me than it is wife to wife?” So in any event, we did do that. I can't recall precisely what the communication was. Well, that was a major objective, to try to find out what the political attitudes within the Soviet military were, for obvious reasons.

Q: Well, by that time, were we seeing the Yugoslav military as more Serb-dominated than it had been?

SILBERMAN: That's interesting. My recollection now is that there was a sort of a... I don't think there was a perception that the military had been more Serb-dominated. It always had been to a certain extent Serb-dominated, and particularly, should I say, Montenegrin-dominated. I think 20 per cent of the generals were Montenegrin, and only 500,000

Yugoslavs were Montenegrins. Of course, as you know, they have a splendid military record.

Q: Sure.

SILBERMAN: And that was a constant bone of potential contention within Yugoslavia. I recall that there was a good deal of concern that you could detect amongst Croatians concerning Tito's wife, who was a Lika Serb.

Q: Considered the most beautiful woman in Yugoslavia, but also from the Vikraina area.
SILBERMAN: Exactly, and fiercely pro-Serb and anti-Croat. So there was a good deal of concern amongst the Croats what her role might be. But on that point the Yugoslav government was, of course, fanatic in their effort to project an image of unity within Yugoslavia. I remember there was a census taken, I think when I was there. They asked people what they regarded as their nationality, and only 11 per cent of the people in Yugoslavia described their nationality as "Yugoslav." I don't know whether they knew what they were doing when they took that census, but it was an ominous note. And we knew the centrifugal forces were potentially quite significant. There was this perception in the State Department, the European Bureau, that the unity of Yugoslavia was very much in our interest. And on that I had a somewhat different view in that I did agree that we should not be in the business of encouraging centrifugal forces, but that our primary concern should be encouraging democracy and freedom, and insofar as those two interests conflicted, encouraging democracy was more important. In that respect, I think the European Bureau as a whole said, "No, no, no, unity is more important." And that reflected a difference in our views of the importance of ideology as opposed to other factors. The State Department has never been as comfortable with ideology as people outside the State Department, as you well know.

Q: Oh, yes.

SILBERMAN: That was not true of Palmer. He was very much an ideologue. Now that's not to say that I would have thought to encourage the kind of breakup of Yugoslavia that could encourage the Soviet Union to come in, but the Yugoslavs were constantly whispering in our ear that the only thing that kept Yugoslavia together and therefore made it a strategic independent entity in the middle of the Balkans was the Communist Party. Now I think they were wrong, but they were close. The thing that held Yugoslavia together was not the Communist Party; it was the fear of the Soviet Union. Ergo, Yugoslavia fell apart not when Tito died - there was a lot of talk of Tito as the key - but when the Soviet Union collapsed and there was no longer a threat that kept Yugoslavia together.

Q: Well, tell me, were you playing the game - you must have been - of "After Tito What?"
SILBERMAN: Oh, sure.

Q: I mean, was this something you'd sit around and-

SILBERMAN: Oh, sure. We'd spend an ungodly amount of time on that. In fact, if anything, that was my major objective as ambassador, which was to try to figure out what we should do - we being the government of the United States - in the event Tito died, and various scenarios came to play.

Q: Did you come away with any particular scenario that you thought was most likely?

SILBERMAN: I always thought it was possible that you could get an internal conflict within Yugoslavia which would lead the Soviet Union to come in. I didn't know how lengthy. And that such conflict could be touched of by Tito's death. But we didn't know. We weren't sure. We didn't know how strong the centrifugal forces were, the nationalist centrifugal forces. We couldn't measure them. I do remember thinking to myself that there had to be some reason why the vast majority of Croats who emigrated to the United States or Canada or Australia became such fierce supporters of an independent Croatia and couldn't believe that that didn't reflect the view of the majority of people in Croatia.

Q: How did you view the Soviet threat at that time. We're talking about '75-77.

SILBERMAN: Quite substantially. As I said, it was the single most important question in American foreign policy.

Q: And was it the feeling that this was an aggressive Soviet Union?

SILBERMAN: Yes, of course. It was my view that unless we counterbalanced their aggression, that we were risking a situation in which their aggressiveness and our defensiveness would lead to a diminution in our position and an increase in theirs.

Q: It's hard to capture this thing because we're talking now in 1998, and the Soviet Union has disappeared and all and is seen to be much more of a hollow tiger, but now that that-

SILBERMAN: I think it's fair to say, I was more confident of our triumph in this struggle than most people. Indeed, after I left Yugoslavia and went out a couple of years later to California, I went and lectured. I remember a long lecture at Stanford in which I predicted the Soviet Union would collapse before 2000. I said it was more likely than not. I remember at the time being almost hooted about it. But I didn't think it would happen without our being more assertive, leaning forward, if you will.

Q: Did you at the time see what was going on then - the Helsinki Accords - as being of importance, I mean, particularly the so-called Basket Three business became really one of the levers that helped sort of break up the Soviet Union, but Kissinger certainly did not. I mean, he dismissed this, and I was wondering-

SILBERMAN: Yes, yes. All of those issues, which I put in the ideological basket, although I had enormous regard and respect for Kissinger, I thought he was fundamentally wrong in not understanding the importance of that.

Q: I think he was very much a European, which is... I mean, the American is basically optimistic. Things are good. The European is cynical.

SILBERMAN: I think there's a good deal of truth to what you say. I think that's a very important point. You know, I thought all of those issues were of enormous importance and were the field on which we should be most aggressive in dealing with the Soviet Union. When I came back after Yugoslavia, I joined the Committee on the Present Danger. I was asked to join that organization. Do you remember what that organization was?

Q: No, I don't.

SILBERMAN: The Committee on the Present Danger was an organization formed by Paul Nitze, Lane Kirkland (of the AFL-CIO), Charlie Walker (who had been deputy secretary of Treasury under Nixon) - carefully balanced, one Democrat for One Republican - bipartisan. The Committee on the Present Danger was an anti-d#tente group that met for three or four years. Reagan was a member, Ronald Reagan, and the heart and soul of the democratic half of that was the AFL-CIO. Now I was one of the Republican appointments that was part of that organization. We would meet for three or four days a year, discuss foreign policy and defense policy, and with respect to strategic matters, military matters, and ideological matters we were generally critical of the d#tentists, whether they be in the Ford Administration or the Carter Administration. Now I should bring you up to date on the ILO. There are two things I should bring you up to date on. You may be familiar with the contretemps over Laszlo Toth in Yugoslavia?

Q: I do want to talk about it. I'm an old consular hand, and - why don't we talk about Laszlo Toth?

SILBERMAN: Toth was, as you know, a naturalized American who worked for a sugar company in Colorado. He had emigrated from the Vojvodina. I think Toth was originally a Hungarian-Yugoslav. The day that Ford came to Yugoslavia, a special day it turns out,

Toth was arrested, and I had little doubt, as I learned this happened, that it was done by people in the secret police, in UDBA, who were hostile to Yugoslav-U.S. relations, and therefore it was hardly an accident. He was arrested on that day. He was alleged to have engaged in espionage because he had taken pictures of machinery in a sugar factory. The sugar factory was one he had worked in. The machinery was bought on the open market from West Germany. It was absurd on its face. And I took it as reflecting a very aggressive posture on the part of the Yugoslav police and a big shock. He was able to communicate with me - he was a very shrewd fellow, and he figured a method of communicating with me. I don't know how he got these documents, these tiny documents, out. And I got the most heart-rending notes from him to the effect that I know I'm only a recently naturalized citizen and therefore not as important to the United States as somebody who has many American Ancestors, but nevertheless I'm a loyal American and I wish help as much as possible. It turned out - I did not know this although I suspected the worst - that he was arrested because UDBA had asked him to spy on Yugoslav immigrants in the United States and report to UDBA concerning Croats or others who might be hostile to the Yugoslav r#gime. He refused. And that's why they put him in jail. We didn't know that, but we knew that the reason why they were holding him was ridiculous.

Q: Did you get consular access to him?

SILBERMAN: No, because the Yugoslavs were taking the position, since he'd been born in Yugoslavia, they would not recognize his American citizenship, which, of course, infuriated us even more. This thing came to have enormous importance in American-Yugoslav relations because I and my consular officer, Lowell Fleischer, made it of significant importance. I took the fact that he had been arrested the day Ford was there I took to be a reflection of forces within Yugoslavia that wished to act in a fashion of relative contempt for the United States.

Q: It was a real slap in the face.SILBERMAN: It thought so, and I thought it was essential that this, amongst a number of other actions, be taken by the United States as the slap

in the face that you just suggested it was and we should slap back, but hard. So I put increasing pressure on the Yugoslav Government with, I must say, the resistance of the European Bureau. They kept cautioning. They kept saying, "Well, you can't do this. You know, you can't jeopardize American-Yugoslav relations over this one individual. And I kept saying, you know, it's not just one individual. This is reflective of a broader problem we're having in Yugoslavia, and it's the right issue to make a stand on for a whole host of reasons. Well, the Yugoslav Government was increasingly irritated by the pressure that I was imposing, and they were complaining in Washington. And The Wall Street Journal Washington Wire, in the spring of '76, carried a little piece, which as an insider in Washington I understood full well it's meaning, which was that Laurence Silberman, ambassador to Yugoslavia, who formerly had a distinguished record at Labor and Justice, was causing needless difficulty in Yugoslavia and was not doing a good job. Something to that effect. Well, I knew what that came from - either Sonnenfeldt or Hartman or somebody close to Kissinger. I was sure it didn't come from Eagleburger, and I was pretty sure it didn't come from Kissinger. On the other hand, I could see where Kissinger would think, What the hell's Larry doing about this fellow Laszlo Toth? Although the cable traffic made it perfectly obvious what I was doing, but I could see Kissinger being a little bemused by all of this or at least not sure. And certainly either Sonnenfeldt or Hartman leaked that to The Wall Street Journal in Washington. So I insisted on meeting with Kissinger in Paris. I forget why we were in Paris. He was in Paris for another reason, so I met him, and I said, "Listen, I'm perfectly willing to resign. If you're not backing me, I'm out of here." And Kissinger said, "No, no, I don't want you to resign." And he said, "Look, if you're having any problems, you should talk to Larry Eagleburger." I didn't totally trust Henry. I couldn't imagine that that leak to The Wall Street Journal wouldn't have come from either Sonnenfeldt or Hartman, and Hartman was a career appointee, who wouldn't have done anything without Kissinger's knowledge. And Kissinger knew I knew. I think, to tell the absolute truth, that Kissinger - you would wonder how in God's name would an ambassador be capable of dealing with Kissinger this way - but remember, I had some political ties, significant

political ties, to Ford and others, and I think Kissinger always was a little nervous about what I knew as deputy attorney general.

Q: Well, also there's the fact, too, that... I mean, I looked at this case just when I was getting the newspaper, and I heard these things, and as a consular officer trying to get my superiors sometimes to go to bat for somebody who was in jail when I felt they really shouldn't be in jail by a foreign government, and found the reluctance, because there's always a base or there's always an agreement or something and it's just inconvenient. I thought it was right on, and it's the sort of case that if it was spelled out in the press, the American people, you might say, couldn't help but support the idea that the individual was more important than detente, or what have you.

SILBERMAN: That is true, of course, and I have to say that while this struggle was going on, which I was fighting as a two-front war, with the Yugoslav Government on the one hand and my own government on the other, or the European Bureau, against me, or the State Department against me, I did get significant and important support from The New York Times and The Washington Post. The chiefs of both, Malcolm Brown from The New York Times and Dusko Doder from The Washington Post-

Q: -who is an old Yugoslav hand, too.

SILBERMAN: Right. Both of them were completely supportive of me, which of course drove the Yugoslavs nuts as well as the State Department. But it was an important factor in that battle. Well, Toth was important as a single American no matter what, but I would not have made the fight as strongly if I didn't think it was consistent with American foreign policy objectives across the board. In other words, he would always have been important, but in my view, it was consistent with our general policy towards Yugoslavia - i.e., we shouldn't let them think they could push us around. We should not let them think - this was what I kept saying in cable after cable - we should not let them think that good relationships with the United States were more important for us that they were for

them - that as long as they saw the United States as of the view that good relations were primarily our concern, they would take advantage of us and we were being fools, and it was counterproductive. But remember I had been deputy attorney general, and an American in jail for no good reason was something that upset me and I couldn't avoid it; but I had to constantly think to myself, Look, am I being self-indulgent? Am I fighting for one American against the interest of the United States? And I had to think about that constantly and worry about that.

Q: Well, you say you fought the Yugoslavs? How did this take place?

SILBERMAN: Well, I put enormous pressure on them. Eventually, I cut off all meat sales from Yugoslavia to the United States military. I don't remember how I did that, but-

Q: That was a big deal!

SILBERMAN: That was an enormous amount of money. I cabled Bill Simon, who was Secretary of Treasury and a friend of mine, to oppose IMF funding for Yugoslavia. I cabled Frank Zarb, who was energy czar to make a speech in which he made reference to this American in jail. So the Yugoslavs were under enormous pressure. And of course, I was driving them nuts, and they would pressure the State Department to in turn pressure me, but after that meeting with Kissinger in Paris, the State Department was no longer - certainly the European Bureau was no longer - in a position to try to pressure me. They Yugoslavs came close to PNGing me.

Q: That's declaring you persona non grata.

SILBERMAN: Right, but they really didn't dare do that because they knew that the State Department would be obliged to PNG their ambassador here in response, and perhaps the publicity that would result from that would not be favorable. But what they did do, which was rather amusing, was they came up with various devices to threaten me - physically threaten me. You know, they would have reported through our CIA that people meeting in

a cafeteria were overheard plotting to assassinate me, and they actually caused a ruckus when we were down in Dubrovnik, which scared the hell out of my little daughter. There was supposedly somebody escaped from jail who was looking to cause me trouble. I never gave that any significance whatsoever because in a communist country the government has a monopoly on the terror, so I knew that was just a device to try to unnerve me and get me to leave.

Q: Well, was your analysis and that of your staff that this was still the security agency - the Yugoslav UDBA, the Ministry of the Interior - calling the shots as opposed to, say, the Foreign Ministry?

SILBERMAN: Oh, I had escalated this to the point where there was no question this was being decided by Tito. It was inconceivable that Tito wasn't making those decisions. And I always took it to be a battle for Tito's mind, and you see there's a principle in dealing with the Yugoslavs, or the Serbs, which you, having been there, know. They love to say that pressure doesn't work on them. The important principle to keep in mind is that inadequate pressure never works on them. But enough pressure... And when both the meat sales and the IMF funding was a problem, they finally gave up, and I think it was in June of '76 that they released Toth, and then I got to meet him at the airport and find out precisely what happened. And I really felt so wonderful about it because when I found out that he was put in jail because he refused to work for the secret police in the United States, I really felt this was a fellow who was worth fighting for.

Q: In talking to Mark Palmer, we've reached that point. I'm still doing it. He said he supported you and pushed you and, not pushed you but supported you, all the way until the very end at the airport, and you made a speech, and he felt that was wrong - not a speech, but a statement - in other words, that you sort of rubbed the Yugoslavs nose in the dirt on this one, if I recall correctly. Do you recall this?

SILBERMAN: I did make a statement at the airport, and I think he's right about that. He probably did disagree with it, but I to this day think I was right because, sure, it rubbed their nose in it a little bit, but it also made the potential prospect of their doing anything like that again even less likely. I mean it made the pain even worse. Now I think from Mark's point of view, in terms of his relations with the Yugoslavs, dealing with them, he probably regarded that as problematic because they would have been really furious about it. But from my point of view as a political appointee who's there for a time, I was delighted to make sure the pain was good. In other words, I thought they should pay a good price for that, including a good public relations price. So I disagree. I disagreed then, and I disagree now, and I think it much less likely that they would have done it again, or other countries would do that.

Q: Judge, it's now just about 12 o'clock, and I thought we'd better... I'll come back to you, and we'll pick this up. We've talked about the Toth case, your coming there, what other?

SILBERMAN: ILO.

Q: We want to talk about the ILO and then we'll talk also even after you leave Yugoslavia about being on special delegations for one thing and another. I've been told by a friend of mine, Tom Stern, to be sure to ask you about the Carlucci Commission and all that.

SILBERMAN: Oh, my God, I forgot all about that.

Q: Okay.

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Today is the 28th of October, 1998. You said had some further comments to make before we move on.

SILBERMAN: Yes, I was thinking about what we discussed last time and refreshing my memory. Had I told you that when The Wall Street Journal piece appeared and I pitted all my efforts to pressure the Yugoslavs to release Toth that I tendered my resignation, and that was the reason why Kissinger asked me to come and meet with him in Paris?

Q: I'm not sure if you went into that in any detail. Why don't we go back to that. We can always cut it out.

SILBERMAN: Right, and this leads up to the meeting with the press after Toth went out. When I read the piece in Washington Wire, it occurred to me that that could well be Kissinger suggesting that he disagreed with my efforts to make a major issue out of Toth. After all, I got Bill Simon to put pressure on the Yugoslavs by threatening their IMF loans. I, so-called, cut off the Yugoslav meat sales to the U.S. Army. I was making a major issue out of it for the reasons that I described earlier, which I thought a fit confluence of our concern about an American citizen who was naturalized as well as our concern about Tito's perception of our being weak in the aftermath of Vietnam. But it occurred to me that that very well could reflect Kissinger's view, in which case I wanted to leave.

Q: Just part of the Washington game, and Kissinger was adept at this, was-SILBERMAN: Those kinds of leaks into the press, and particularly The Washington Wire of The Wall Street Journal, which is always rather a significant place for the news people on The Journal, as opposed to the editorial people on The Journal, to plant tidbits. And I told you that Kissinger asked me to come to Paris and disavowed any comments. I demanded, which was rather presumptuous of me, that he put something out regarding that. He disclaimed his ability to do that - which I didn't totally believe. But in the event, he made the point, as I think I told you last time, that henceforth if I had any difficulties I would deal directly with Larry Eagleburger, the under secretary, with whom I was rather close, and to obvious dealing with Arthur Hartman, who was the assistant secretary for Europe. I want to

make that point because I think I forgot when I talked to you before that I actually went so far as to tender my resignation at that point.

At the airport, the issue on which Mark Palmer and I disagreed then and disagree today-

Q: This is when Toth was leaving.

SILBERMAN: And why I gave an interview to The New York Times and The Washington Post. Actually, I'm thinking hard about what I told you the last time. I gave a slight misimpression because, as a matter of fact, through all the months that I was working hard to get Toth released by imposing enormous pressure on Tito and the Yugoslav Government, I did my best to keep that out of the papers. And Dusko Doder was the bureau chief of The Washington Post, Malcolm Brown for The New York Times - both of them knew about, had picked up information about my efforts, and I persuaded them both to keep it quiet while I was doing my best to get them out, because I knew publicity at that stage would be counterproductive.

Q: It would put the Yugoslavs' backs up.

SILBERMAN: Right. So to a certain extent I had an obligation with both of them to give them the story after Toth was released. But secondly, I - and here is where I firmly disagree with Mark - to have permitted the Yugoslavs to have kept Toth in jail for 11 months, not only for no good reason but for an absolutely terrible reason - the reason that he told me about at the airport, that he refused to work for UDBA in the United States - would in my notion have been a betrayal of American interests, because it would have allowed the Yugoslavs to get away with something - that is to say, keeping Toth in jail for 11 months - and pay no price. The publicity that resulted when I told the story to The New York Times and The Washington Post gave Yugoslavia a black eye, which is exactly what they deserved, and made it much less likely that any other American, naturalized American, was going to be arrested in the future. And so I reiterate, having thought about it clearly, the point that I felt at the time that it was the right thing to do at that point to tell The

New York Times and The Washington Post what happened, to make sure the Yugoslavs suffered somewhat of having made Toth and the United States suffer.

Q: Yes, well, I mean, this is sort of the normal yin and yang of diplomacy. Do you make your point and really stick it to them now, or do you consider, We've got to keep working with these guys. And these are judgment calls.

SILBERMAN: That's right. But it is also true that I would not have done it if I had been a career Foreign Service officer, which is Mark's vantage point. After all, Mark was thinking of the prospect of coming back to Yugoslavia some day. He ended up as ambassador to Hungary, and when you stick it to the Yugoslav government like that, there's no way you're ever going to come back as ambassador. I had not the slightest concerns about that, and frankly thought that was a comparative advantage I had as a political appointee.

Q: Well, when one looks at this, there are instruments of foreign policy, and these can be played different ways by different people.SILBERMAN: Exactly. Political appointees had a comparative advantage; Foreign Service officers have a comparative advantage. I was using my comparative advantage there. Now, subsequently, I didn't tell you, but the Yugoslavs did everything in the world to try to force me out, including various threats to my life, which I never took seriously because the Yugoslavs had a monopoly on terror.

Q: Yes, nothing was going to happen unless they did it, and it was pretty damned obvious.

SILBERMAN: But I think you should know, if I didn't tell you the last time, there was one lawyer who represented dissidents in Yugoslavia, who had been a colonel in the partisans in World War II for whom I had a great deal of respect and whom I would occasionally see at parties. He was, I thought, invulnerable because of his World War II background. But I was told, after I came back from my post time as ambassador, that after he attended a Christmas party, a goodbye party for me, a couple of months later he was killed on the

highway between Belgrade and Zagreb under circumstances suggesting that he was assassinated, which made me feel terrible.

Q: Ah, yes. Well, talk about the labor side of matters.

SILBERMAN: The ILO affair.

Q: Could you explain what this is about?

SILBERMAN: Sure. You may recall that back in 1974 or '75, '76, Pat Moynihan was ambassador to the United Nations. He'd come there from India. I don't recall exactly when. And Pat believed strongly in ideological confrontation with the communists and saw the UN as a major stage for that kind of battle. Kissinger, always somewhat uncomfortable with ideological matters, increasingly became hostile to Pat. You may recall, of course... I think I told you about the Sonnenfeldt Doctrine and my- (end of tape)

Q: Could you just go back just a touch?

SILBERMAN: Yes, I was mentioning that I was more sympathetic to Pat's approach to the UN and his general strategy of ideological confrontation of the communists than I was with Henry Kissinger's reluctance to fight on that battlefield. I think that came from Kissinger's background from Europe and I think fear, distaste, for ideological matters, and his primary concern for balance of power. I think he saw ideological confrontation as rather messy and undisciplined. Well, the AFL-CIO was the leading institution in American society that believed strongly in the importance of ideological confrontation with the Soviets, and that had played out on the ILO stage. Now you know the ILO was a part of the UN but actually antedated the UN. It goes back to the Treaty of Versailles, and it has a tripartite structure, organizations of employers, unions, and governments. I told you about my involvement with the ILO as solicitor of Labor. The AFL-CIO was increasingly aggravated by the United States's (what it thought was) supine and less aggressive (less aggressive than they thought was appropriate) stance in the ILO, just

as they were sympathetic to Pat Moynihan's more aggressive stance in the UN. And the issues were virtually the same. The AFL-CIO, as the largest component or the most powerful component in the Democratic Party at that time, was continually threatening to cut off congressional appropriations to the ILO, the American participation in the ILO. And as that came more to a head, Kissinger, anxious to avoid that break, which had obvious implications for the United Nations - that is to say, those people who were anxious to have the United States withdraw from the ILO were also talking about the United States withdrawing from the United Nations, or at least causing a lot more trouble in the United Nations than Kissinger thought was worth the candle. In any event, a grand compromise was suggested, at least as a temporary expedient. And I'm sure this was Kissinger's idea, which was to form a Cabinet committee to deal with the ILO problem - a Cabinet committee that would, unusually, include George Meany as the president of the AFL-CIO and more for symmetrical purposes than real purposes, the head of the Chamber of Commerce and the Secretary of Commerce, the Secretary of Labor, the Secretary of State, I guess the NSC advisor, and the President. This committee was to formulate policy on the ILO, and their first task, their first objective, was to commission a special envoy of the President to go round to all of our allies, industrial democracies, and tell them that if they did not support us in a more aggressive stance in the ILO we would withdraw, and we were deadly serious. There was a discussion then as to who would be the special envoy that could be trusted by all of these warring, or these several warring, factions. The AFL-CIO congenitally distrusted Kissinger. Their first choice was Pat Moynihan. Kissinger was apoplectic about that, given the intense tension that had developed between Moynihan and Kissinger. Meany's fallback position was me. Although I had not been public as Moynihan had, Meany knew my personal views were not all that dissimilar to Pat Moynihan's views. And Kissinger, I assume, thought that as Meany basically put it that... Oh, let me stop for a second. The original argument was, Meany didn't want anybody from the State Department as the special envoy. Kissinger demanded that it be somebody subordinate to the Secretary of State because this was after all a major foreign

policy matter. Then Meany went to Moynihan. Kissinger dinged that. And Meany's fallback position was Silberman.

Q: You were then-

SILBERMAN: - ambassador to Yugoslavia. I think this was in the winter of '75-76. And so I am notified that I am to take on another task as special envoy for ILO affairs while I am ambassador to Yugoslavia. Now what was interesting about it was that as ambassador to Yugoslavia, I was constantly struggling with the Yugoslavs concerning their leadership of the Nonaligned, which caused no end of grief for the United States in various multilateral fora. As special envoy in the ILO affairs, I was taking a position which couldn't have been more contrary to the Yugoslav position, but it was consistent with my general job, which was to try to do everything I could to dissuade the Yugoslavs from taking so-called nonaligned positions but which were really very close to the communist views on a full range of matters. So I was commissioned by the Cabinet committee. I was notified by Scowcroft I think it was, as NSC advisor, that I was to be the special envoy. I had to go down to Greece, as I recall, to talk on the phone, because the cable traffic was inadequate to discuss it at great length. And then I went off for various trips, interspersed with my time in Belgrade. In other words, I would take off for three or four days and go to London and then to Paris and then to Bonn and to Rome, and basically all of our allies, including Australia, Japan, Canada, and so forth. And I went round everywhere and gave the message, which was (a) I represented everybody in the American political spectrum, the Republicans and the Democrats. It didn't matter what happened in then next year's election. Our position was quite firm about this, and if our allies wished us to stay in the ILO, they had to support us on these messy ideological issues which they would prefer to sweep under the rug. I had some really wonderful meetings. I met with the prime minister - was he foreign minister or prime minister at the time - of Great Britain, Callahan, and I met with him, and as I came into his office, the head of the TUC, which was left-leaning and hated Meany, was quite obviously and ostentatiously going out of his office, so Callahan was telling me, in effect, that he had already been primed by the very people who were

going to oppose my pitch the strongest. And we had a rather contentious session. I think the minister, the DCM in London, a good fellow by the name of Spiers, who was also a Dartmouth man-

Q: Ron Spiers.

SILBERMAN: Ron Spiers.

Q: And later became ambassador.

SILBERMAN: Yes, ambassador to Turkey, I think. Elliott Richardson, I think, was ambassador at the time. He was out of town, so he was back in the States. So Ron accompanied me, and Callahan said at one point that I sounded like Moynihan. Now you recall that Ivor Richard, who was a representative from Great Britain in the UN, and Moynihan had had serious clashes, and at one point Ivor Richard had given a speech in which he referred to Moynihan, implicitly, as reminding him of King Lear raging across the moor. You may recall that, which to say the least was an unfriendly act. But there was a good deal of suspicion that Callahan and Richard were au courant with Kissinger in their criticism of Moynihan, which is part of the reason why I emphasized to everybody that I represent both the President of the United States and the most important constituency within the Democratic Party. In other words, I was representing a broader array of politics in the United States than actually Kissinger represented. In any event, Callahan said to me I reminded him of Moynihan and I sounded like King Lear. And I remember telling him, my response was, “Well, if you wish to use Shakespeare as your analogy, I would prefer Henry V, 'We few, we happy few, this band of brothers' - trying to appeal to the democratic allies.” He was not sympathetic. I had gained more sympathy with some other members of the British cabinet. Well, I had every reason to believe that Callahan was on the phone with Kissinger on that as well, and Kissinger may well have been giving a message that was slightly different from what Ford wanted given.

Q: I have to say, I run across these things of Kissinger undercutting his own people. He did it to George Vest when he was working on the Helsinki Accords and other times.

SILBERMAN: Same issue, the ideological questions. Yes, yes, I know. But I had no illusions about Henry, and as I said, I made clear to foreign governments, and they had reason to believe that I was not bluffing, that I represented a broader array of politics than Henry did in the United States. Well, I think I made some progress, but the moment Ford lost the election, the allies - the Brits, the French, the Germans, the Italians - thought, Oh, boy, this is going away now, and they forgot what I told them about the AFL-CIO, and sure enough, Andy Young became ambassador to the United Nations, we had no special envoy on the ILO, and our policy basically on these kinds of efforts shifted 180 degrees, because Andy Young was far to the left of Moynihan on these questions. As a result, the AFL-CIO became infuriated and did withdraw us from the ILO by cutting off the appropriations. We were out for a couple of years. Then the allies realized that they'd better-

Q: Why did they care whether we were in or out?

SILBERMAN: Who, the allies? Oh, they cared desperately because they saw it as a precursor to an American withdrawal from the United Nations.

Q: So this, in a way, for them was the issue more than the ILO.

SILBERMAN: Sure. Sure. The ILO was always a mini-UN issue. And there was a good deal of concern in the United States about the United Nations, and in fact, my personal view was for a long time that the United Nations, on balance, was a greater harm than good to American foreign policy. That changed with the collapse of the Soviet Union. But it explains why... To jump ahead for a moment, in 1980 I was co-chairman of Reagan's foreign policy advisors, and after the election was asked if I wished to be UN ambassador by Dick Allen, who was the national security advisor, and I turned it down flatly, telling

them my view is you should never take a job with a government that you don't believe in. I recommended Jeanne Kirkpatrick.

Q: During this time, when you were putting pressure on, two things. One, was ILO changing? I mean, were they sort of acknowledging the fact that we were serious?

SILBERMAN: The ILO bureaucracy? The ILO bureaucracy was very hostile to my efforts and worried about my efforts. My objective was in part to influence the ILO. Well, no it wasn't. My primary objective was to get the allies to stand with us. It didn't matter whether we were outvoted. It didn't matter whether we ultimately achieved a major change of the ILO. What mattered to us very much was that the industrial democracies in the world stood with us on these ideological questions. In the long run, we, I , was confident we would prevail. But it was very important to prevail, and the Soviet Union would collapse, one way or another, but it was very important that we hold together that coalition, on ideas as well as bayonets. And so that's what this was about.

Q: Were you keeping a thermometer or something back to your support group back in the non-Kissinger Cabinet committee?

SILBERMAN: Well, my cables would go back to the Cabinet committee, so they would go both to Kissinger. They went to Kissinger and to the Secretary of Labor, Bill Usery, who was a former subordinate of mine and one of my dearest friends. The Secretary of Commerce - I guess it was Dent. I can't remember. And those cables also went to George Meany and the head of the Chamber of Commerce. In other words, I would just cable back to the President and to Kissinger, and that was all distributed. Kissinger stayed out of it. He never gave me any specific instructions on this, as I recall. There was an ILO section within the State Department, which was very supportive of what I was doing, a young woman, as I recall, who I think may well have been an Episcopal priest as well as a-

Q: Alison Palmer?

SILBERMAN: Right. She was very helpful.

Q: Were you getting any pressure, arguments, or anything then from Yugoslavia while you were going about this?

SILBERMAN: No, actually. They knew what I was doing, and it was quite consistent with the kind of positions I was taking in Belgrade concerning the Nonaligned. One of the issues that was most aggravating... Did I tell you about the Korean incident? I did. One of the things that was most aggravating was the Yugoslav efforts to bring question of our colonialization of Puerto Rico up in the United Nations, and when the Yugoslavs would raise that, I would say, “Well, that's an issue I think, if we want to take up that issue, we ought to talk about whether or not we ought to free Croatia.” And the Yugoslavs would go nuts. “You can't do that!” I said, “Well, then don't talk about our internal affairs.” My view in dealing with the Yugoslavs was totally reciprocity. I never believed in patronizing them, but whereas the European Bureau's notion was patronize, patronize, patronize, appease, appease, appease; if they kicked us in the groin, I felt we should kick them back double hard.

Q: You know, because at the time, the overriding thing in Yugoslav foreign policy was to keep the Russian bear from coming at them, and they couldn't afford to do too much to their one support unless their one support turned soft.

SILBERMAN: That is correct. You see, my fundamental view, and this is where I disagreed with the European Bureau, Hartman et al, was that I thought it was more than likely that Yugoslavia would be stiffened vis-#-vis the Soviet Union if we were tough as nails, if they were afraid of us, if they had respect for us. The more they thought we were weak and, as I told you before in the aftermath of Vietnam they really did think we were weak, the more they thought we were weak, the more they were inclined to get closer to the Soviet Union rather than the other way.

Q: How did you find some of the other places, like Canada and France and all? How were they?

SILBERMAN: The foreign ministries of all of these countries were, if not hostile, certainly skeptical of this effort. The labor ministries tended to be different, with one exception, as I recall. There was one country in the world that was totally au courant with us, or with the policy that I was expressing, and that was Australia. The head of their trade union there, who subsequently, I think, may have become prime minister - I can't recall his name now - Peacock, who is the ambassador here now, was the foreign minister - but the head of the trade unions there was very close to Meany in his views and regarded these ideological issues as terribly important. And of course the Israelis, who are often at the receiving end of the nonaligned attacks, were wholly sympathetic to our view. As I recall, France was sort of ambivalent. Callahan was sort of hostile. The smaller countries in NATO were a little bemused or puzzled. The Italians were ambivalent. I remember one meeting in Denmark where I was waiting to meet with the prime minister and I was delayed for a few minutes and he came out quite apologetic, and he explained, “I've just had a crisis,” that day, because a Warsaw Pact plane - I think it was a Polish Plane or several planes - had encroached on Danish air space, and I asked him, “Why didn't you shoot it down?” And he said, “Well, that would be very risky.” I remember thinking to myself that that was not a particularly good sign. I spent much of my time thinking about NATO's response in the event of a problem in Yugoslavia, and I generally grew to hold the view that NATO was a United States-German alliance with British bands, and the smaller countries, the Scandinavian countries particularly, or some of the other smaller countries, were simply a weak link. We should never depend on them if the balloon really went up.

Q: Well, is there anything else we should discuss about your time in Yugoslavia, do you think?

SILBERMAN: I think we've fractured it, haven't we?

Q: Yes, and if there is anything, you can put it in. Well, then, you left Belgrade when? I mean, this is the end of the Ford Administration.

SILBERMAN: I left after the election. I think it was in January of 1977. To tell the truth, I was determined to resign January 20th, 1977, because I did not wish to serve for even a moment under President Carter. I had been not unsympathetic to Carter during the election. I remember Lane Kirkland, the number two in the AFL-CIO and a friend of mine, once said to me at dinner, “How can the country go wrong with a Naval Academy graduate who's a peanut farmer from Georgia?” And I said, “Well, you know, you make a good point,” but during the campaign, as I recall, Carter made several indications in a speech that he would follow a line that he subsequently expressed in a speech at Notre Dame, that we have this inordinate fear of Communism, which was very troubling from my point of view. And that came up during the campaign, and I really wanted to get out. Because I didn't agree with Carter's foreign policy, and I thought he was going to make big mistakes in foreign policy - which he turned out to make - and I wanted to be out of there. I didn't want to serve under him.

Q: Well, we're concentrated obviously on foreign affairs, but what did you do when you resigned as ambassador.

SILBERMAN: I spent a year at AEI.

Q: That's the American Enterprise Institute.

SILBERMAN: Someone once told me that during the years in government you draw down all the intellectual capital you've built up, and you need some time to refurbish it. I wished to do that before I went into law practice or whatever I was going to do to make sure my family lived in adequate comfort and I could send my children to college and so forth. So I spent a year at AEI, in which I wrote various articles and lectured in various universities and colleges, and two of those articles dealt with foreign policy. One was an article in

Foreign Affairs and one was an article in Foreign Policy Magazine, the latter focused on Yugoslavia, particularly... I also wrote a piece for the Wilson Quarterly, on Tito. But I also wrote in the areas of law and economics and so forth and had a lot of fun. And then after a year of that, I agreed to be part-time counsel to a law firm, part-time at AEI, and then agreed to do it full-time, managing partner at Morrisson and Foerster in Washington, and then a year later was drafted by its largest client to executive vice-president of Crocker Bank, which I spent four years at, helped sell the bank to Midland, then went back to Morrisson and Foerster in Washington, and from there was appointed to the bench in 1985.

Now, in terms of foreign policy, and as I told you, in 1980 I was co-chairman of Reagan's foreign policy group and was briefly head of the CIA transition after the election, for about a couple of weeks and then got out because the transition seemed to me a time when most people were jockeying for jobs, and I wasn't all that interested in coming into government, although I truthfully would have agreed to be CIA director, which was being discussed. But Casey, who wanted first of all to be Secretary of State, but since he couldn't be Secretary of State, wanted CIA director, and so he got it. He had a greater claim, although I thought it unwise to put a campaign chairman in that job.

Q: I think it turned out that it played to the wrong responses in that person. I think both it turned it political and I think it was an unfortunate appointment.

SILBERMAN: Could be. In any event, the only positions I would have been interested in in the Reagan Administration would have been CIA director or Attorney General, and Bill Smith - he was a good friend of mine - had an overwhelming claim for that. So I went back after the transition, and went back to Crocker Bank, and I was appointed to the GAC, the General Advisory Committee on Arms Control. And we did, I think, some interesting work for a three-year period as an advisor, ultimately leading to a meeting with the President, Ronald Reagan, in which Don Rumsfeld and I, an old friend of mine, impressed upon him the indisputable fact that the Soviets were violating almost all of the arms control

treaties. I remember that meeting vividly because George Shultz was quite upset that we were meeting with Reagan and telling him that. He didn't want that message given. Don Rumsfeld and I were in some respects two of his closest friends, and so it was quite interesting that we would be the ones to push to tell Reagan this. We tried to trap Reagan into a recognition that they were violating the treaties and that that had a direct implication on present negotiating on arms control treaties. It was my job to tell Reagan over and over again in the simplest terms that it was no answer to say that we would insist on verification on new treaties, because we already knew they were violating the old treaties, and verification would just allow us to determine they would be violating new treaties. I remember putting, after we met for some time, in terms of the policeman and the judge, that if someone commits a crime, it's hardly an answer to the commission of a crime that you put more policemen on the street to try to prevent them from committing new crimes. You have to act, and that's when I got an incredible sense of Reagan's discipline and that he was perhaps a lot smarter than I thought. Because after that careful explanation that Rumsfeld and I gave him and the others around the table, he looked me right in the eye and then said, “That's why we're going to insist on verification in the new treaties.” And I was looking right in his eye, and I'm convinced that he didn't give a damn whether I thought or Don Rumsfeld thought he was an idiot. He was not going to be trapped into the framework that we were trying to trap him into because politically he didn't have an answer. Nor did George Shultz. He didn't want to tell the American people that the Soviets were violating all the treaties, because the constituency for arms control was just too powerful in the United States. So he didn't care if we thought he was an idiot or dumb, and he was playing us. Basically, he just had that capacity and enormous discipline to hear something and then just compartmentalize and shut it off. That 's when I got a sense that he was a hell of a lot smarter than I had even the remotest suspicion of, and I had spent a lot of time with him during the campaign of 1980 talking about our national security matters.

Q: Can you give a feel for the foreign affairs advisory committee during the campaign? Not just with the President, but also the people around him. Were there tides, currents going on?

SILBERMAN: Of course. The three people who were working full-time on the campaign on the national security side were Dick Allen, who subsequently became National Security Advisor, Fred Ikl#, who became under secretary of Defense, a brilliant intellectual, and Bill Van Cleve, who was a professor, I believe, at Southern California, a very hard-liner on defense matters. Now there were a number of people who were on the advisory committee. Fred Ikl# and I were co-chairmen. He was full-time, and I was part-time, on foreign policy. Van Cleve co-chairman with somebody else on defense. John Lehman was involved. Jeanne Kirkpatrick was involved on occasion. There was one big meeting of the advisory group back in Washington with Reagan and Bush, but that was more ceremonial. There were several meetings at the Los Angeles airport motel or hotel, in which I appeared once with Dick Allen and Bill Van Cleve, and we went over for a three- or four-hour session in which we went over all sorts of national security issues that would come up during the campaign. And my recollection is George Bush was present along with Reagan for the first meeting. He wasn't present at the second meeting. I was in the midst of negotiating the sale of Crocker Bank, and so in both of these meetings I would occasionally be called out to talk to one of my subordinates or one of the law firm teams with the transaction, and I was thinking to myself that maybe some day I would think that I would have to leave these meetings to deal with this prosaic matter of the sale of Crocker Bank when someone who might well be president of the United States was being briefed on important issues. And there was one occasion which you might love, on the first meeting at the motel. Each one of these meetings took all day, and obviously we would talk about issues that we thought would come up in the campaign with foreign policy implications. One of them was about the Mideast and Reagan's desire to come out with a position that we would recognize Israel's right to put the capital in Jerusalem, which was an issue I kept trying to talk them out of because of its obvious foreign policy implications.

But he had a very strong emotional commitment to Israel, which I think came out of his movie experiences. But there was one occasion in that motel which I shall never forget. Reagan excused himself at one point to go to the bathroom, right in the suite, in the room, and then came back, and he smiled. And I was astonished because two of his teeth were missing. What he had done was take one of those kids little black things that you could put on your teeth to look like your teeth were knocked out. It was such a fresh and sophomoric thing to do, I was sort of thunderstruck. Then we went back to a rather serious discussion. The second meeting that took place in that motel, maybe a month later, Dick Allen was again present, although he was in and out. I spent the entire time, except when I ran out to take messages on the sale, alone with Paul Nitze and Gene Rostow, and I recall in that meeting at one point Ronald Reagan asked a question which I thought was very perceptive and very good. The question was, “How do we gain leverage on our NATO allies? How do we pressure them?” Well, both Nitze and Rostow almost went up like rockets because they were so committed Europeanists, alliancists, after all being there at the creation of it. I, on the other hand, to their disgust, encouraged Reagan to do it. It thought that was an important question to try to think about how you got leverage over the NATO allies to support us, to help us, or to take a tougher, more forward, position on some of the problems, which it turns out we had, which was, for instance, the zero-option in the missiles that we wanted to put into Germany that was so crucial, in hindsight, in ending the Cold War. I will tell you that in the first meeting, in which both Reagan and Bush were present, I reached the conclusion - come to think of it, maybe there were three meetings, two with Reagan and Bush - but on one of the meetings with Reagan and Bush, I came back and told my wife that I had known George Bush for a long time, but Reagan had a longer attention span.

Q: That's interesting. Were there any issues that were particularly troubling to you, that either you felt that the Carter group could be bringing up or that Ronald Reagan might have, like the Jerusalem stand or something like this, I mean, during the election?

SILBERMAN: Well, there was one interesting little assignment that came from Reagan for me through Dick Allen. There was a good deal of interest and concern about Nicaragua and Carter's position on Nicaragua, and a banking group in Central America, focused one particular thoughtful banker from Guatemala, asked the Reagan campaign if they could send someone down to Central America to develop contacts and also to make an appraisal for Reagan as to what was going on in Nicaragua, Guatemala, and Salvador. And I was asked to do it, particularly since I was a banker. It made sense. It was a nice cover, although the embassies were told we were coming and I did meet the ambassadors there, the Carter ambassadors, and I was rather careful. My major task was to report back to the Reagan campaign as to my perception as to whether the Sandinista Junta were communist or not, were they Marxist-Leninist? And the fact that I had been ambassador to a communist country in which ideology was terribly important seemed to qualify me to do that. I spent a week down there in Salvador, Guatemala, and Nicaragua. The most interesting part was an almost full-day meeting with the Sandinista Junta, in which they tried to get me to talk about practical accommodations, the kind of things that if Reagan became president they were going to do. And I, of course, explained to them that as representative of the candidate I was not in any position to say anything about what would happen if he became president. That was inappropriate. I was there just to listen and understand them. And then I would ask them a lot of questions about doctrine, which utterly mystified them. It was my view that after a discussion about doctrine, I would know whether they were Marxist-Leninist or not, and that that was probably more important than knowing how they were prepared to accommodate on this or that tactical question. And I came back and reported, as I recall, that Ortega and Hassan and one other fellow were communists - young, immature, but communists, hard-core communists in the classic Marxist-Leninist sense - and that two of them, Rubela and Cruz, were not. I thought they were the classic fools, and sure enough, they did end up ousted. So that was one issue on which I played a minor role but a direct role. On the issues in the campaign, of course, the most important one was the hostage crisis. And you probably know about that meeting at the L'Enfant Plaza that Dick Allen... I was meeting with a group of advisors in Dick Allen's

office and ready to go to lunch, and Dick said would I mind joining him in another meeting that Senator Tower and/or Bud McFarland, one of his aides, had arranged. They wanted Dick to meet with somebody who had some information about the hostages, and Dick was a little nervous about it and he wanted me, as an ex-deputy attorney general to go along. And we went to that meeting at the L'Enfant Plaza. Bud McFarland brought in this fellow who it turned out was a Malaysian. I thought he was a Moroccan. I got it wrong. He was a Malaysian who claimed he had some Islamic influence or contact with the Iranian Muslims and came up with the notion that the hostages could be released to Reagan in the way to embarrass Carter, to which, after he said that, I said we had one president at a time, and he got up and walked out. McFarland brought this guy to the meeting. McFarland subsequently apparently in the October Surprise investigation testified that he can't remember anything but it was Tower and McFarland, I think, that clearly came up with this idea and wanted Allen to meet with this guy. And Allen wisely realized that there was something fishy in this. It was a fly-by-night notion.

Q: There were a lot of these. Unfortunately some of the people in the government were susceptible to these people, and it later got the Reagan administration in a great deal of trouble.

SILBERMAN: Yes, that's right, but you remember the October Surprise investigation, which Congress actually started even though it was idiotic. It was based on the suggestion that there was this meeting at the L'Enfant Plaza, but the main theme was that Casey and/or Bush had made some secret deal and secret trip to Paris to meet with the Iranians to try to persuade them not to release the hostages. And I almost couldn't believe that anybody, including members of the opposite party in the United States, would think that any Americans would be so awful and disloyal. It's a testament of how much hatred there is between parties in the United States, and also the bias of the press. It turned out, of course, after the Hamilton Committee looked at it, to be utter garbage.What else happened

during that campaign? China became an issue briefly, you may recall, how tough we were going to be on Chinese matters. There were a few other things that came up.

Q: Afghanistan.

SILBERMAN: Yes, Afghanistan was the reason for Carter's agonizing reappraisal.

Q: Well, how about grain? I mean, we had stopped grain sales to the Soviet Union at the time, and this was an important constituency, the farmers, and were there debates on what to do about that?

SILBERMAN: There may have been. I can't recall that.

Q: How did you find the foreign policy-

SILBERMAN: Oh, yes, there were certainly discussions about grain, now that I remember it, but I can't recall what they were.

Q: How did you find the foreign policy advisory team worked? Sometimes these things are sort of ad hoc and the people coming have their own ideas without the discipline of having a real job and the other one is of a certain amount of staking out the claims to high policy jobs. I mean this is not... I'm just asking because it's a generic problem, and you're kind of the outsider on this. How did you find this particular grouping of people worked?

SILBERMAN: I thought it worked really well up through the election. The transition I thought was awful, because it was all show-and-tell and elbows and trying to gain jobs, and I wanted to get the hell out of that. Dick Allen did a very good job of disciplining the campaign foreign policy and national security advisers. Fred Ikl# was and is a first-class intellectual. And Bill Van Cleve was very good, too. So I thought during the campaign it seemed to work very effectively to me. It was the only Presidential campaign I'd ever been involved in, so I had no basis of comparison. And occasionally the candidate, Governor Reagan, would say something that would cause our stomachs to tie into knots, but he had

a refreshing candor that allowed him to say certain things. I guess the two most important issues were the Iranian Hostage Crisis and our perception that Carter had been snookered by the Soviets. That he'd started out complaining about an inordinate fear of Communism, and by the time of Afghanistan realized that he was dealing with an implacable foe who wasn't interested in the left-wing Democratic Party's views of convergence. Carter had pretty much bifurcated his Administration, in that he had allowed domestic policy to be made by more conservative Democrats, starting with Burt Lance, which was why the Kennedy challenge, whereas his foreign and national security policy, particularly foreign policy, was more or less delegated to the left wing of the Democratic Party. And that's the way he balanced the two wings of the party. But I think that vision ended up causing him trouble on both fronts because, of course, he had this raging inflation on the domestic front, and he had the twin disasters of Afghanistan and Iran in the foreign policy field, both of which suggested a weakness in American foreign policy.

Q: I told you my friend Tom Stern said to ask you about the Carlucci Commission. What was that?

SILBERMAN: All right, now we're shifting ahead. Besides being on the General Advisory Committee on Arms Control, and I should say more important than the Carlucci Commission was something else I did for the first Reagan Administration. I served on what was then a secret group called the Defense Policy Board, formed by Fred Ikl# and Cap Weinberger. And the reason why it was secret, it turns out, is that they were deathly afraid of the Federal Advisory Committee Act.

Q: Which is what?

SILBERMAN: FACA, which is a statute which requires, subject to certain limitations, that the minutes of a Federal Advisory Committee be available to the public. Now, Weinberger and Ikl# formed a group right after the election of advisors on strategic policy in the Defense Department. The individuals included, besides myself, Albert Wohlstetter, who

you of course know from Chicago; John Deutsch, provost at MIT, ex-CIA director, but who had been under secretary of something, I think it was the Energy Department, in the Carter Administration, but was an au courant, hard-liner, perfectly comfortable in the Reagan crowd. It also included Paul Wolfowitz, who was then at State Department; Harry Rowen, who was at CIA, who was (the number two man or number three man at CIA), a businessman by the name of Eli Jacobs; a few others. And this was a group that mixed senior government people with private people with government experience. We would come together once a month to deal with various strategic defense issues, one of which was the Strategic Defense Initiative itself, but there were a number of others. And I waived any consulting fee for that for four years. In return for it I asked for only one thing. My son was a young naval officer on a frigate out of Hawaii but primarily, at that point, in waters near Russia and Japan, and he said the thing he wanted more than anything else in the world was a navy pilot's jacket so when he stood watch he would be warm. So my fee for four years' consulting was a navy pilot's jacket that was sent to my son from the Secretary of Defense, to the utter astonishment of his captain and all the officers of his crew.

Then I had that, I had the GAC, the General Advisory Committee on Arms Control, which as you may know is a presidential appointment confirmed by the Senate. And then I also was... When George Shultz became Secretary of State, he set up a small group which included Kissinger and myself, to advise them all on Mideast policy, which ultimately led to my being special envoy on the Mideast in 1984 for a brief time following Rumsfeld. And he also appointed me as co-chairman or vice-chairman of the Committee on Economic and Security Assistance, which was designed to recommend an approach to security and economic assistance, both structurally, in terms of the organization within the government, and substantively, and Carlucci, I think, was chairman, and Lane Kirkland and I were co-chairmen. One of the things I pressed in that area was the views of Peter Bauer, P. T. Bauer. I am very much an opponent of resource transfers for economic development from country to country. Bauer has for many years pointed out that process almost always, invariably, hurts the country that receives it because it grows a big enough government to

receive the funds, which tends to crowd out private sector development, and the enormous advances made by developing countries to make them developed countries, like Taiwan, Singapore, and so forth, all came about after they stopped taking foreign aid. So that was one of the things I argued for, and I was not very popular in that gully. We were also dealing with military transfers.

Q: What about military transfers? So often these things end up as being ambassadors particularly want to make the country where they're assigned happy so a few more tanks or something like this. I mean, were you able to put a skeptical eye on some of this?

SILBERMAN: Well, actually, I was more sympathetic to military transfers. It seemed to me that in terms of cost-benefit analysis that tended over the years to be more successful than the economic transfers. For instance, you may recall, in Yugoslavia I was very anxious to enhance the transfer of military arms to Yugoslavia, particularly arms that were designed to protect them against a Soviet tank invasion, i.e., the TOW missile and a few other things like that - for two reasons. Number one, I wanted them more capable of dealing with the Soviets if the Soviets should come in, and number two, that tended to tie the Yugoslav military to the U.S. military and therefore had obvious political implications, which I thought very important. So I certainly wasn't hostile to it elsewhere, although each one is a case-by-case determination. For instance, I thought our military transfers to Israel had been much more important of the United States and Israel than our economic transfers, which I think have been generally harmful to Israel.

Q: This is a very solid idea that we've made Israel too dependent as a state.

SILBERMAN: Hurting their economic development.

Q: Very much so.

SILBERMAN: Yes, I very much was of that view.

Q: As a special advisor to the Middle East in dealing with this, was there... You were there when? In the aftermath of the Israeli invasion of Lebanon?

SILBERMAN: Yes, actually, I came on... The theory was that Don Rumsfeld was going to do this for six months, and then I would do it for the next six months. We were both dollar-a-year men. He remained head of his company, and I remained a senior partner at Morrison and Foerster, to which I'd returned from Crocker Bank here in Washington. I made one trip to the Middle East with Don, which was designed to sort of pass the baton. It was after the disastrous Lebanese debacle, particularly the blowing up of the barracks and our withdrawal from the Lebanon - which followed, incidentally, as much as I love George Shultz, his disastrous policy mistake of throwing the United States behind the Lebanese-Israeli peace treaty, which was violently opposed by the Syrians and which could not be sustained by those forces in Lebanon who wished peace. It gave rise to a disastrous Syrian encroachment into Lebanon. I did make one trip to Beirut with Don Rumsfeld at two o'clock in the morning from Tel Aviv by marine helicopter to meet with Gemayel, the brother, not the original one who was killed, and I came to the quick view that that was a weak lead. And I was in favor of our pulling the marines out of the Lebanon, which George very much opposed - that is to say, he wanted to continue to fight to hold onto what was a declining position. My view, as I told George after the barracks were blown up, and I came in just at that time, that there were really only two options. At that point Don Rumsfeld was over in Beirut trying to orchestrate battleship rounds landing amongst the hostile forces. Well, I remember telling George - and Irving Kristol was the third person who he talked to besides Kissinger and myself on Mideast matters - and on this particular time, Kristol and I were present with him, and I told him that in the aftermath of the barracks blowing up there were only two legitimate options of the United States. One would be to go in, seriously, and hurt the Syrians to the point that they would be obliged to withdraw. That would imply a significant use of military force and probably an effort to either destroy Assad or his forces. Or else get out. Option number two, stay in in some kind of half-assed way, which was going to be a disaster. And George, I remember,

that was the counsel of despair. He was very bitter about George Bush, who having chaired the Cabinet committee while Reagan and McFarland were out of town, decided to get us the hell out of Lebanon. Now I think Reagan knew damn well what Bush was doing, but George was furious about that happening without the President around and over his objection.

Well, in any event, the bottom line was we got out of Beirut. Thereafter, I went out with Rumsfeld, and our focus at that point was not Lebanon or even Israeli issues primarily at all. Our primary focus was the Iran-Iraq War, which incidentally it was our view that it was in the interest of U.S. policy if that lasted 100 years, but what we were concerned about was Iran coming through Iraq into Kuwait and into Saudi Arabia. And we did have one visit with King Fahd in Saudi Arabia in which we did our very best to talk him into pre-positioning of military equipment. We were less successful than Dick Cheney was some years later in the Gulf War. At that time, the invasion of Kuwait tended to concentrate his mind. But originally he was much more worried about Iran than he was about Iraq, but not worried enough to allow pre-positioning.

In any event, we made that trip. I did make one trip to Israel, and the primary focus at that point was Israel-Lebanon. And then when we came back, I thought the notion of having a special envoy to the Middle East did not make a lot of sense. It somehow gave the impression to both the Arabs and the Israelis that we had a greater interest in their achieving a peace treaty or peace negotiations than they did, which was a mistake. And we were continuing this special envoy just out of a political inertia, that we'd had one for some years, and we didn't need one. So I convinced George to let me go and went back to my law firm. So I think I spent about a month or so at the State Department there.

Q: And then you received your appointment to the bench when?

SILBERMAN: Well, I guess it was in late '84. I was asked by Bill Smith to do it in November-December of '84, and then at that point it was processed through '85. I think I was nominated in April and appointed November 1st.

Q: Well, is there anything else, or do you think this covers it?

SILBERMAN: I think we've got it all there.

Q: I think we do.

SILBERMAN: More than you needed.

Q: Oh, no.

End of interview